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A True Vindication of The South

In
A Review of American
Political History

By
Thomas Manson Norwood
Sometime U. S. Senator from Georgia

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PREFATORY NOTE

Thomas Manson Norwood was born in Talbot county, Georgia, April 26th, 1830, and died at his home near Savannah, June 19th, 1913. Between those dates he had been for fifty years a prominent member of the legal profession in his native State, had served it as legislator in the council-chambers of its own capitol and in both branches of the Congress of the United States, and had presided for twelve years on the bench of the City Court of Savannah. At the time of his election to the State legislature he was a private soldier in the military service of the Confederate States.

Judge Norwood's schoolboy years were passed at the Culloden Academy, long a famous educational institution of Middle Georgia; and his collegiate education was received at Emory College, Oxford, Georgia, where he graduated in 1850. Twenty-five years later he returned there as a senator of the United States, and delivered the address from which is taken the beautiful tribute to Lee that is printed in the appendix in this book. A year or two before the alumni address he had made a notable speech in the Senate on the "Civil Rights Bill"—a measure devised by Republican party leaders inspired by animosity towards the South, then prostrate and bleeding under the rule of that sectional party, whose course had brought on the War Between the States, with all its horrors and lamentable consequences. His "Civil Rights" speech, as it was called, gave Senator Norwood great prominence throughout the South, especially, not only because of the force of its argument, but because also of its felicitous satirizing of a measure so obnoxious to the Southern people.

During the rule, following the War Between the States, of the Republican party in the South, when the elective franchise was taken from an educated white population of the highest type of civilization, and given to an uneducated black population of the lowest type, controlled in their exercise of the franchise by the white political adventurers from the North

(called carpetbaggers) and the few native Southern whites (called scalawags) who were Republicans for revenue (of which two classes, in addition to the negroes, the Republican party in the South was composed);—during that dark period of American history, when that combination of such unsavory and infamous memory was—with the backing of the military power of the United States Government—in political control of the Southern States and holding its orgies in their capitols, one of its members was installed by it in the office of Governor of Georgia. His name was Bullock. He was a Northern man, and had been in the employ of the Southern Express Company at Augusta before his political associates—the negroes, scalawags, and carpetbaggers—elevated him to the Executive Chair of the Empire State of the South.

This Republican "Governor" and his Administration afforded an inviting field for Mr. Norwood's pen and his distinctive style of sarcasm and invective, and he availed himself of it in a series of newspaper articles, over the signature of "Nemesis," that attracted more than State-wide attention and the authorship of which was for some time a subject of much and mistaken conjecture. Not long after their publication the ci-devant Express agent resigned the office of Governor and fled the State, which then came again into the hands of its own, and the writer of the "Nemesis" articles was sent to the United States Senate.

Judge Norwood was a Democrat "after the most straitest sect" of the Democratic political faith. He believed it to be a cardinal principle of that creed that governments derive their just powers from the consent of the governed. He knew that that principle was proclaimed to be a self-evident truth by the Declaration of Independence, written by the father of the Democratic Party. He believed in the principles of State Sovereignty and State Rights, as they were set forth in the Virginia and Kentucky Resolutions of 1798-'99—of which James Madison and Thomas Jefferson were the authors, and that were asserted by others of the founders and foremost statesmen of the Republic. He knew that those principles constituted the corner-stone of the American Union—the political edifice of which those patriots and statesmen were the architects,

and that all the facts of its history show that that Union was not established by force—was not a government of force, but was a voluntary union of independent States.

Knowing these great fundamental truths of American history, he never questioned the right of a State to withdraw from that Union when to the State its withdrawal seemed necessary to secure its unalienable rights and its safety and happiness; and when the Northern States began and waged a war of coercion against the Southern States for having withdrawn from the Union when it seemed to them that withdrawal was necessary to obtain such security, he held that they—the Northern States—by that war wrongfully assaulted and violated those principles, and that the Southern States rightfully defended them against that assault;—that the South was right in its loyalty to those principles and the North criminally wrong in its disloyalty to them. And such, it can with entire truth be said, is the conviction of the living descendants of the men of the South who fought for those principles under the leadership of Robert E. Lee. They know that the result of that war —of twenty-two States against eleven States—showed where the might was. They are equally sure that it did not show where the right was. The great illusion of the age—the notion that power could make right—has not found lodgment in the souls of the sons and daughters of Confederate sires.

In his old age Judge Norwood bethought him to utilize the leisure that came with retirement from public life by writing a "book to establish" (as he says in the Introduction) "the justice of the South's action before, during and after the War of Abolition between the Northern and Southern States in 1861-'65." With characteristic resolution he began work upon the purposed book; but neither the mind nor the body under the weight of eighty years can work with the vigor and endurance of an earlier time. Years steal strength from the one as from the other, and Judge Norwood had to yield to the encroachments and infirmities of age, and to answer the final summons, before he had brought his manuscript to the state of completion he contemplated, and arranged it for publication. What he had written, though, was enough to "prove his case," and to make the volume now published in accordance with his testamentary direction, under the title designated for it by himself.

Time did not weaken Judge Norwood's sense of the crime of that war on the Southern States. It did not weaken nor soften his memory of the physical and mental suffering, the cruelties, horrors and agonies, inflicted by a devastating war on their people—and his people—only for their loyalty to primal American ideals consecrated by the blood of their Revolutionary fathers—only for claiming and contending for the right of political self-government proclaimed by the Declaration and won by the Revolution of '76, of which they sought not to deprive the people that attacked them. He neither forgot nor forgave that war's violation of the basic vital principle of republican government and of the American Constitution, nor the irreparable wrongs and calamities to his own State and section that followed in its wake; and while the fact that he wrote under the unabated influence of a vivid recollection of those calamities may properly be considered and given its due weight in connection with his characterization of individuals whom he believed chiefly responsible for them, it does not invalidate the indisputable historical facts in the book, which —alone, in and of themselves—constitute a vindication of the South.

T. K. O.

INTRODUCTION

The chief purpose in writing this book is to establish the justice of the South's action before, during and after the War of Abolition between the Northern and Southern States in 1861-65. I regret deeply that some one of our able Southern men has not presented the law involved in the struggle between the free and slave States as I shall endeavor to give it. This regret does not arise from loss of what might be the effect on the minds of people of the North. It is because the young men of the South have, to some extent, been left to draw conclusions from the mass of falsehoods slandering their forefathers that have issued from the Northern press, in books, magazines, weekly and daily papers, school-books and dictionaries for three-quarters of a century, but especially since the year 1861.

I purpose to show that the South was in the right and was justified in every issue between her and the North, from the first division between them when a geographical line was drawn and the associated States were designated by the words—the North and the South.

I purpose to show that in 1865 the Northern and Southern colonies were two distinct peoples, of different origin, although from the same island; that in temperament, education, opinions on government—political and ecclesiastical, habits, training, mental and moral, tastes and conduct, they were antipodal; that these fundamental differences existed during the Revolution of 1776, and when the Constitution was agreed to; and that they have continued to this day. If these statements be true I do not suppose there can be cavil over the conclusion that the union of two such peoples to establish a common agency to conduct, in many respects, their individual business, was an egregious blunder. The open history of the States under a written agreement made in 1787 is a demonstration of

that blunder. Two peoples who can not live together without constant wrangling, abuse, fighting, and wholesale murder should never come together.

When religious fanatics claim that negroes they hold in slavery are personal property, and sell them to others and guarantee the title, and afterwards demand of the purchasers to free those negroes, and—only because the demand is refused—muster men and with arms kill the masters and free the negroes, argument is not needed to prove on whose hands is the blood of Abel. I anticipate a denial of the fact that negro slavery caused the war, and the assertion that Secession caused it—by saying, I am not now attempting to give what the Abolitionists and Nationalists assign as the cause. They shut their eyes to all the wrongs done to the South during sixty years before Secession, and fix them steadfastly on the proximate cause, Secession, and assert that there would not have been war if the Southern States had not seceded. This is only surmise. Who can tell what would or would not have occurred had Secession not occurred? It is folly to reason with one who assumes to prophesy what millions of fanatics obeying no law, human or divine, and who were encouraged, upheld and protected in deeds of lawlessness, theft, and even murder, by a majority of Legislatures in fourteen Northern States who enacted "Personal Liberty, Laws"—would or would not do at any time. But this is not the place to enter fully into that question. It will be taken up at the proper time.

The responsibility for the disruption of the Union and the butchery of a half-million men, the anguish of millions of mothers, wives and children, and the destruction of the Republic, will be fastened on the guilty, and in this book I have contributed my mite to aid in fixing that guilt. Others will follow and take up the work. The question is one of Law, and Law alone can and will settle it. In all the writings by the Nationalists and all others in the North, not one, so far as I have read or heard, has ventured to discuss the legal views of the War. They all followed the Daniel Webster of 1830, and damn the Daniel Webster of 1850. The South reverses that order, and condemns Webster's speeches in the debates with Hayne and Calhoun, and holds that he became convinced

of his ruinous opinions expressed in those two debates, and endeavored to atone in 1850 for the impending destruction of the Union caused by his speeches in 1830-3.

The stock "argument" at the North has been patterned after the method of argumentation that is practiced by negroes in the South. In a quarrel between two negroes, the one who can bawl louder, talk faster and has the better wind, and, especially, who can roll out the foulest, filthiest and most obscene words, strengthened at short intervals with coarsest oaths, is always adjudged by the promiscuous audience acting as umpire, to be the conqueror. The parallel is perfect, excepting the adornment by profanity. Since the war the air has been burdened with declamation by slanderers, some so ignorant they do not know the difference between a horse-chestnut and a chestnut horse—between a parallel and a parallax. Imitating furious negro debaters and logicians in a quarrel, they have kept the air in rapid and violent agitation by exploding in it such bombs as "Rebel! Rebellion! Treason! Traitor! Conspirators! Conspiracy! The Great Conspiracy!" That argument growing monotonous and not being sufficiently stimulating to the audience, these artists in vilification rise a few keys higher to C flat and screech "Arch-Traitor!! Architects of Ruin!! Damnable Heretics!! Villainous Rebels!! Architects of Anarchy!! Base Anarchists!!"

One of these Bombastes Furiosos, who for ten years has had his hand on the door knob of a lunatic asylum, in order to popularize his "Life of Thomas H. Benton," baptized Jefferson Davis an "Arch Traitor," and not a few of these patriots for bounties, first, and then pensions, in annual camps, held to demand bigger pensions, decorated by their censure Robert E. Lee, calling him a "Traitor," and dreading to face him even in marble standing in the "Hall of Fame" in Washington.

These mouthing logicians pay no attention to the wisdom of the Bible. It tells us "Evil communications corrupt good manners." Ever since the Puritan fanatics made the discovery that the negro is their equal, and made him their companion and bed-fellow, and have received him into their families as a son-in-law, they have absorbed from him not only his ability as a logician, and his method of argumentation, but have acquired, also, two of his native and irrepressible talents; one

is, he is so economical with Truth he starves it down to famine, and the other, his undying devotion to other people's property.

Some of the Rebels and Traitors, when they read these compliments by Nationalists, are too much disposed to forget another wise precept of the Bible—"Answer not a fool according to his folly, lest you, also, be like unto him;" for they, in abbreviated sentences, say some impertinent things about "Bull Run"—"Chancellorsville, three men to one"—"old women and girls hanged as witches"—"Quakers whipped," "ears cut off, and then hanged,"—"white children sold as slaves just to get money,—women, preachers, teachers, stealing negroes,"—"Treason and perjury in Personal Liberty Laws passed by Puritans," "Higher Law than the Constitution,"—"Constitution a league with Death and covenant with Hell,"—"Negroes made slaves by statute in Massachusetts, and law never repealed,"—"Statute of Massachusetts forbidding marriages of negroes and whites repealed, and now it's a playground and Paradise for yellow brats and grown-up Bismarcks."

Inferiors should not answer their superiors, yes, their supremes, in that manner. It is not respectful, even by servants, but when Rebels and Traitors and Conspirators so far forget their subordinacy as to answer furious words that signify nothing by blurting out history, the offense is lese majeste, which amounts to treason. Besides, the truth hurts. The great lawyer, James L. Petigru, of Charleston, South Carolina, was once assailed by an irate man who called him a scoundrel. He said—"I didn't mind that because I knew it was not true. He then called me a liar, and I didn't notice him, as that was not true. He then called me a Federalist, and I knocked him down because that was the truth."

The responsibility for that horrible internecine war can not be settled by epithets and abusive adjectives. They are the weapons of raucous fishmongers; the scourings of Billingsgate; the pointless arrows of vanquished Parthians; the final refuge of impotent malice; a confession of chagrin, mortification and shame over failure to overcome a foe one-fourth in number, without refusing exchange of prisoners, without the aid of hired Hessians and negro warriors, and without brutally sacrificing the lives of brave men in prisons—companions in

arms—who had been cunningly duped into service to free negroes, by the cry—"**Save the Union from destruction by Rebels and traitors!!**"

These word-mongers are so vengeful that, had they the power, they would not let it "do a courtesy to their wrath." They would, without the form of justice, with rope, hasten pell-mell to "the sour apple tree." They are the heroes who sleep as the battle rages, and then march in quick-step to the distant echoes of the drum-beat, to share the spoils with carrion crows and thieves. They revel in the toggery of mock heroics, and, mayhap, are brave enough to daringly head a corps of camp-followers on the perilous expedition to kick a dead lion. But—

"The little dogs and all,
Tray, Blanch, and Sweetheart—see! they bark at me."

The purpose of this book being as stated, the aim of the writer is to find the truth of history. Knowledge of the history of the war waged by the Northern or Free States against the Southern or Slave States, is not essential to arrive at the right or wrong of the war. The truth that determines the justice, or the right or wrong of that struggle, is to be found in the history of all the States in the Union, that preceded the beginning of that horrible and inhuman fratricide. When the truth shall be found we shall find the responsibility for that demoniac sacrifice by Mammon to Moloch on the hills and in the valleys of sixteen States.

The right or wrong does not turn on facts alone. The key to the right or the wrong is what is known among civilized peoples as Law. That is the generic word. Its branches are Civil Law, Constitutional Law, and the Law of Nations. It will be seen that all three must be invoked to sit in judgment on the question of guilt or innocence in this case of the arraignment of Sovereign States. It will further appear that of these three Justiciaries, the Law of Nations is the Chief—the predominant—not only because it is the only law by which disagreement between nations can be settled, but because it is law of the highest authority that men have ever devised. It is the law which has been laboriously compiled line by line, precept upon precept, here a little and there a

little extending through thousands of years, by sovereigns who had to agree to do justice in order to obtain security. In theory, by that law, the weakest nation or republic is in every respect the equal of the mightiest. The republic of San Marino, or the kingdom of Montenegro, before the tribunal of Nations, is as great as the empire of Russia. It is by this law the guilt or the innocence of one or the other party to that butchery must be determined.

The cry of Rebel—Traitor—Conspirator—during the war served its purpose. As a slogan it was very effective, just as many a criminal has escaped by raising the cry of "stop thief." But that cry no longer avails, although it still reverberates in hundreds of anaemic folios as they fall from the printer's press and start out "like the tale of an idiot, full of sound and fury, signifying nothing." Of these dumb declaimers—many now smothered in slumber by benevolent dust —speaking through printer's ink, some notice has been taken in the following pages. One—perhaps the Boanerges of this roaring multitude—has been of much assistance to the writer, not so much by what the man who fathered the book compiled by another, vindictively said, as by his inability to understand the effect of what he said. This pompous and laborious endeavor to vilify the South and all Southerners is "THE GREAT CONSPIRACY," by John A. Logan. If every utterance of the charge of "Rebel—Rebellion—Traitor—Treason—Conspirator—Conspiracy"—each and all invariably with a capital initial—were a separate indictment, and his stentorian voice were proof of each charge, the South would be fairly depopulated, and her best blood would lie in cold obstruction by Henry Wirz and that poor old woman, Mrs. Surratt—the victims of national fury and suborned and suppressed testimony.

But the removal, by near fifty years, from that vociferation to stimulate what, by misnomer, was called patriotism, has made it inaudible to normal ears, and we care nothing for epithets and vituperation. We are before the judgment seat of impartial History. Reason, that fled to brutish beasts, is again on her judgment seat, is deaf to clamor and abuse, and calls for facts and law. The Allen clan that gathered in moun-

tain fastnesses and, descending armed to the plain, invaded the Temple of Justice and attempted to decide legal questions by powder and bullets, has learned that the Temple still remains, that Justice still presides, and that outraged law upheld by civilized men will vindicate itself by the hangman's rope. The Abolitionists, Freesoilers and Puritan fanatics who haled the Huns, the Bavarians, the Hessians, the Mafia and the Africans from their lairs to this shore, baited by a fraction of an assassin's pay, to adjudicate a constitutional question, and to settle the Law of Nations by cannon, bullets, bayonets, and starvation in dungeons, after mobbing Justice and hurling her from the Temple, are learning that, though the greater number of cannon may overwhelm, they are not judges to determine laws by which every nation must be governed or perish.

They are learning that the commands—"Thou shalt not steal"—"Thou shalt not kill"—did not expire with Moses on the Mount.

They are learning that when "the parents eat sour grapes the children's teeth are set on edge;" that when fathers and mothers, in presence of their children, steal what their fathers sold and guaranteed to be property, the children are very apt scholars and have not dishonored their parents by refusing to follow their example.

They are learning that the world, although "a mighty maze is not without a plan."

They are learning that the Ear that hears and heeds the cry, from the ground, of the blood of one child, is not deaf to the cry of the blood of a half million of His children, and the cry of millions of broken-hearted widows and beggared orphans.

They are learning that He who laid the foundations of His footstool did not place Avarice as its cornerstone; did not exalt Greed, Selfishness, Injustice, Inhumanity and Oppression among its pillars; did not take care of sparrows and forsake His last and highest creation—a little lower than His angels—to be butchered in Coliseums at the turn of brutal, pagan thumbs, nor to be murdered on battlefields and tortured to death in dungeons by Christian Mammonites.

They are learning that "Righteousness" alone "exalteth a nation" and that fidelity to man is the highest evidence of fidelity to God. They are learning all these lessons, and shall learn many others, but they are very dull, stupid, refractory, obstinate pupils. Their insatiable appetites are too keen in devouring the luscious viands of Belshazzar's feast to raise their eyes, for even a hasty glance at the wall. The sound of revelry and the roar of commerce rushing through the streets drowns the rising hungry growl of St. Germain just below their feet.

They have yet to learn the profound meaning of Him who announced the simple truth—"The poor ye have always with you." When building this footstool He laid no stone to be used to "grind the faces of the poor." He hears the Oily Gammons, wily flatterers and cajolers of the poor to keep them at the grind, and through the thick blanket of the night He sees these hypocrites gather and combine to rob by cunning the trusting victims of their flattery.

This work deals first with the Puritan—the word being used in its collective sense. He is traced from his first appearance on the stage of the world's theatre through the many scenes of his kaleidoscopic career down to the present time. He is exhibited in his multiform and contradictory views and attitudes. He will be seen as saint and as sinner; as a fugitive from persecution, and the originator of worse persecution. He will appear in the white robe of Personal Liberty for all mankind, and soon after as a pirate on the high seas capturing negroes to deprive them of personal liberty. Denouncing the Church of England as a persecutor of conscience, he rivalled the Inquisition in persecution of conscience; and neither sex nor age could mitigate his ferocity.

It will be seen that from his first disturbance of the public peace, centuries ago, two overmastering passions have marked his bloody footsteps to this hour, to-wit: Religious Fanaticism and Insatiable Avarice. From these two trunks have grown many branches, or collaterals. But, as they intertwine and at time bear fruit that may be assigned to either trunk, it is difficult to classify them. Among them, prominent and distinct, as products of his fanaticism, are Intolerance, Religious Perse-

cution, Superstition, the hallucination of being God's Chosen People, and, therefore, of being in His confidence and counsel.

From this branch, it will be seen, sprang the Puritan's peculiar and deadly system of religion—a Theocracy like that of the Israelites, and this offshoot ramified even to the length of christening his children with Jewish names, and other names of marvelous invention but indicative of the Puritan's holiness.

Another branch growing out of his hallucination of close communion with God is his inordinate egotism that burdens him with the duty to regulate and direct mankind and the business of the Earth. Hence, his irrepressible itching, at times becoming violent and murderous, to intermeddle with other people's business. From this egotism springs another shoot. It is his claim of right to do what he will not permit others to do.

The Puritan's insatiable Avarice, "like the stems and roots of the bamboo," is without limit and takes any and all directions. He became a bloody, cruel pirate on the high seas for two hundred years. When this wide field so full of revenue was denied him by law, he turned land pirate, feeding on the white race, his appetite growing by what he fed on—and, as will be seen, that is still his chief sustenance and daily occupation. It will be shown that when his slave-trade was forbidden and that feeder of his Avarice was cut off, his religious fanaticism, assuming the delusive shape of philanthrophy, went out to the negroes he had enslaved, and his pliable and elastic conscience prompted him to resort to theft as a justifiable means of restoring to freedom the slaves he had sold. But, far worse than theft, he resorted to lawlessness in every form; he repudiated the most solemn contract made by his ancestors, while enjoying its benefits; he attempted to annul the Constitution by acts of the legislatures; he damned his forefathers for making "a covenant with Death and an agreement with Hell;" he defied all laws that barred his will and purpose; he finally made war on the men who had bought his slaves; he murdered a million whites to free three million blacks, and signalized his venom, hate, malice and brutality by trying to force the master to be servant under his slave.

Running through this current of blood will be seen an illuminating and predominating streak of Avarice commingled with his fanaticism. Philanthrophy was the cry, but gain was the goal.

The contrast between the Cavalier and Puritan is given. For this exhibition, Massachusetts and Virginia are selected as the typical colonies and States; the first settled exclusively by Puritans, the second mainly by Cavaliers.

I do not purpose to write or to rewrite a history of the Puritans. He is an enthusiastic novitiate, or has time to waste, or is one of the thousands of lineal descendants, who would, at this late day, attempt to throw a cheerful beam upon the dismal and worse than erratic wanderings of the Pilgrim Fathers. To me the task is impossible. As I have said, thousands have tried to justify, or to exculpate the conduct of that special band of religious fanatics. Including histories, full and partial, sermons, magazines, pamphlets, platform addresses, speeches and lectures, I have estimated the defenders of that abnormal people at a very low figure. Indeed, in the brazen art of self-laudation they have no parallel in all history. They have exalted themselves by encomiums to the Seventh Heaven, and, with sincerity, have been damned to the Nether Pit. A stranger, after wading through the tomes written by the descendants and other advocates and defenders of the Pilgrim Fathers, is reminded of the Psalmist, who says—"Righteousness exalteth a nation," and he feels the inferiority experienced by a dwarf suddenly translated to the land of Brobdingnags. But, when he turns to the story as told by those not of the Puritan blood, nor moved by its fanaticism and egotism, he discovers himself looking down on the pigmy race of the Lilliputs.

The philosopher, statesman, or theologian who delves into the unnumbered volumes written in advocacy or defense of the Puritans, looks in vain for one broad, liberal principle that could be adopted as the corner-stone, or arch key, to any system of philosophy that would be accepted by even the unthinking multitude; or for any principle that an advanced, rational people would adopt as a part of their government; or for any view, or tenet, of religion that would not be flouted by any other people, Christian or pagan.

They have occupied a niche far more conspicuous than applausable, in the history of England and America for three hundred and fifty years, and when the inextinguishable light, gloomy and darkly visible as it is, of those frantic and bloody centuries, is turned on the pages of those volumes in their defence, the philosopher, statesman and theologian are reminded of at least two notable records of filial devotion, one biblical, the other, modern. The first is the filial duty performed by two of Noah's sons when they walked backward to hide the nakedness of their Pilgrim Father who had fallen under the burden of a bacchanal debauch, and the other is the instinctive and devotional precaution moving each defender, without concert of action, before he begins his apology, to step to the closet, where hang the thousands of skeletons, and to lock the door hard and fast. Like the mediums who claim communion with the spirit world, they, too, turn down the light before the performance begins. One practices fraud on the spectator by commission, while the other attempts to deceive the reader by fraud—dishonest by omission. One, in cataleptic rigor, from the weird gloom, throws on the scene a spectral hand or an imaginary form or face. The apologist calls from the dead centuries a ghostly host, invests them with the sacred robe of Samuel, and delivers an eulogium, that, if true, would raise them to a level with Christian—Bunyan's hero. One is of an imaginary man clothed by the genius of Bunyan with Christian virtues; the other is of real men invested by deception and fraud with imaginary virtues.

It has been said by credible authority that there are more readers of the Bible than any other book; that next in popularity in Christendom is "The Pilgrim's Progress." It is my opinion that more books, pamphlets and stories have been written, and more sermons and post-prandial speeches delivered on the Puritans than any other subject. One writer is credited with 382 books and pamphlets on this prolific provocative of the **cacoethes scribendi.** It is safe to say that no man or woman was ever so self-sacrificing as to read one-tenth of these productions. I have read not a few, and I have not found one of these histories that is fair, full and impartial. The large majority are by the Puritan Fathers and their descendants of the full or diluted blood, or by religious or political parti-

sans. It is safe to say there was never such a loud cry and so little wool. This may be asserted—and the assertion made good by "profert in open court"—that these histories bear indisputable proof of carefully studied art to conceal the multidudinous evil and to exaggerate the minimum of good the Puritans did during the first hundred years of their free-hand in New England.

Some of these writers, called by courtesy historians, begin their stories at the landing on Plymouth Rock in 1620, some start when this religious sect was hidden away in Holland; some, when they were holding conventions at Scrooby, but not one that I have read follows them from their earliest known appearance, about the middle of the sixteenth century, through their devious paths in England and Holland, and along their bloody tracks in Massachusetts. Not one has dared to lay bare their innate ferocity, their flinty asceticism, their cruel and deadly fanaticism, their boastful and absurd chauvinism, when patriotism was synonymous with the Puritan's creed in Church and State; the weighing the value of their country in the same scales in which they weighed the price of their slaves stolen in Africa and sold in Barbadoes, West Indies and the South; their hypocritical cry for freedom of conscience; the anomaly that they fled from England to enjoy personal liberty, and straight-way despatched hundreds of low-deck vessels to Africa to buy or steal negroes for no other purpose than to deprive these barbarians of their freedom; their persistent claim of their right to secede from the Union and denial that any other State had that right; their open rebellion for three centuries against all laws, civil and ecclesiastical, except those of their own making, or that conformed to their opinions and selfish purposes. There are some explorers in the field of occult literature who believe they have discovered in Milton's Lucifer a tribute to the Puritan character. On this occult question I would not venture an opinion. But I do not believe that Milton belittled the figure of Lucifer by taking the Puritan as his prototype. But, belief and conjecture aside, if the history of those Puritans who fled to Massachusetts, as written by themselves and their partisans, be true, Milton, in the rebellious attitude of Lucifer has typified the Puritan who "would rather reign in Hell than serve in Heaven."

To the unbiased mind it seems that when these historians decided to write, and before they began, they went to the door of the closet where hung the skeletons of the innocent victims of the Puritans' ferocious fanaticism, and of the many black thousands of their insatiate greed, and locked it hard and fast, and by some necromancy, or self-imposed hypnotism, or through subliminal control, they forgot all that was wicked, and cruelly and brutally criminal, and remembered only the few palliative virtues that here and there were visible. Keeping their sight steadfastly on the oasis far ahead, they overlooked the dismal, dreary desert "where not a flower appeared." The drama to be presented was known by all the audience. It had been rehearsed before the public thousands of times by unpaid thespians, and the leading actors were Dr. Jekyl and Mr. Hyde. Dr. Jekyl always appeared gentle, though uncouth; meek as Moses, wise as Solomon, strong as Ajax, brave as Agamemnon, humble as Francis of Assisi, continent as Joseph, more in the confidence of God's purposes and providences than the Prophets of old; a saint and martyr persecuted by his King, the Pope, the Established Church, Lutherans, and Baptists, Calvinites and heretics; while the real actor and hero in this bloody tragedy, Mr. Hyde—who, to silence his accusing conscience and to serve his God, hung men, women and children for opinion's sake, and, as head buccaneer of the Atlantic, battened between low-decks a hundred thousand negro slaves who starved and floated to death in their own filth and were fed to pursuing sharks from the shores of Africa, to Newport, Marblehead, Salem and Boston—remains tied behind the scenes until the curtain falls. Such, as I read the histories of the Puritan Fathers, has been the persistent plan of their historians of the whole and diluted Puritan Blood and of their prejudiced partisans. So the record has run, so the innocent and ignorant have been taught for three hundred years and up to the year 1903, when a halt was called, when the word "check" was sounded in this game of cheat,—by one of the Puritan whole blood; one, as he tells us, of direct lineal descent from two Puritan preachers—Cotton Mather and Thomas Shepard.

The debate between Daniel Webster and Robert Y. Hayne in 1830, and between Webster and John C. Calhoun in 1833

are reviewed. And, as Webster was by far the best product of Puritan civilization, he is reviewed as man, citizen, patriot, orator and statesman. And as Webster then and there planted the mine and laid the fuse that exploded in 1860 and rent the Union, it is shown how and why he did it. This leads to discussion of States Rights, of the Federal Government, their relations, their respective powers and the measures of Federal powers. And this brings under discussion the question of Secession—first, as a right per se, and, second, as a right coupled with a duty at the time and under the surroundings of the Slave States when they seceded.

Following these subjects the corollary as to the right of States in the Union to make war on other States is considered. The question is discussed in this form, because, as the reader will observe, the writer holds that the action of the Federal Government in making war on the Confederate States was the action of the Northern States—as they supplied the army, the navy, and the money, the federal government being nothing more than machinery used by the States. Connected with the question of Secession are the subjects of Sovereignty and Allegiance. Under this head is noticed the views of Chief Justice Jay, Chief Justice Marshall, Judge Story, Judge Cooley, and other Federalists.

As Abraham Lincoln was President and on his own motion began the war, his first Inaugural is analyzed, and a view of him is given from his birth to his death. He is looked at as a boy, as a young man, as a lover, a politician, congressman, orator, abolitionist, lawyer, statesman, patriot, negrophilist, warrior, a generator and purveyor of unprintable stories, a hero and Savior of the Constitution and Union. The kind of Union he saved is presented in a separate chapter. Some may think that too much space has been given to Abraham Lincoln. But they probably have not thought of the hundreds of volumes that his worshipers have devoted to this wonderful hero. His only rival among Northern adorers is John Brown. Brown was apotheosized the day he was hung for murder. He was compared to Christ, because he had sanctified the gallows as much as Christ had made the Cross adorable. And now Lincoln is eulogized as the greatest man on Earth since the death of Christ. The writer, therefore, does not agree that too much

has been written in this work of a human being of such transcendent greatness, especially when he remembers that the public has been deprived of the pleasure or spared the nausea from reading a large part of the best, because the truest, biography of this Colossus written, by the man who knew him most intimately as his law partner for eighteen years before his death. This candid biographer of the true Lincoln that took the public behind the scenes, before the low comedian was spangled and tricked out in the toggery of the stage as the world's greatest tragedian, was speedily suppressed, and an expurgated edition now delights the devotees ignorant of the imposition and cheat.

As the mind of the reader, like a true juryman, stands impartial between the North's two greatest heroes, a chapter is also given to John Brown. It is a singular coincidence that the friends of both heroes believed they were insane; one permanently, the other, with lucid intervals. Lincoln's friends feared he would commit suicide, and he so strongly believed he would that he dared not carry a pocket knife. Says Mr. Herndon: "During these spells of insanity, or melancholia, knives and razors and every instrument that could be used for self-destruction were removed from his reach." One attack in 1835, in his 26th year, was so alarming that James Speed took him to Kentucky and kept him there six months. This Speed was afterwards appointed Attorney General of the United States by Lincoln.

The closing chapters contain some reflections on conditions in the republic before the Northern States became lawless, and, thereby, forced the South to seek peace and domestic tranquility by Secession, and then followed her with bayonets, bullets, cannon, cavalry, and the torch, to drive her back into a Union; and on the conditions and results of that war from its close to the present time. It will be seen that the witnesses that have been called in to testify have been summoned from the North, with a few exceptions. The latter are named and located so the reader can judge of their reliability and fairness. Books and records quoted can not be doubted, as they are accessible and belong to history. The conclusion drawn that the responsibility for the war and for all the deaths, wounds, diseases, anguish, suffering, brutality and devastation rests on the soul of Abraham Lincoln and the people who

followed him, will, no doubt, be received in the North with some misgiving. The assertion that whatever perjury, rebellion and treason preceded and caused secession were committed in the North, and were repeated and emphasized if possible by making war on the South, may not be admitted. In prosecutions for crime the sequel sometimes has been that the defendant has been acquitted and the loud-mouthed prosecutor has been tried and convicted of the crime.

CHAPTER I.

ORIGIN OF THE PURITANS.

The origin of that angular section of the human race known the world over by the name Puritan, raises a question of wide geographical extension. That they are of the white race no one has suggested a doubt, but of what nationality there is a difference of opinion. One of the elect—"one of the tribe of Judah"—one born and educated in New England—one highest in authority in that cultured corner—says the Puritans are Armenians, or came from Armenia. This authority is John Fiske, one of the greatest scholars, essayists, philosophers and historians of New England. He was a voluminous writer, and—it may be added—luminous on subjects he understood, being the author of fourteen books and of much miscellaneous matter. In his history entitled "Beginning of New England," he assigns as his reason for tracing the Puritans back to Armenia, that the Greek word—Cathari—means Puritans.

In the Bulgarian tongue they are known as Bogomilians, or men constant in prayer. They accepted the New Testament, denied any mystical efficiency to baptism, frowned upon image-worship as no better than idolatry, despised intercession of saints, and condemned the worship of the Virgin Mary. Their ecclesiastical government was in the main Presbyterian, and in politics they showed a decided leaning toward democracy. They wore long faces, looked askance at frivolous amusements, and were terribly in earnest. They moved westward through the Balkan peninsula into Italy, and thence into southern France, where toward the end of the twelfth century we find their ideas coming into full blossom in the great Albigensian heresy. From France they passed over to England—at what time Fiske does not state.

While this is to a very slight degree probative, from the fact that in all time no other people was called Puritans, and no other languages but the Greek and English have that word, still, it is far from being satisfactory. There is however, cor-

roborative evidence in several facts, one of which is mentioned by Fiske, to-wit: That the Puritans migrated from Armenia many centuries before they appeared in England, and during their several migrations, they were in war on account of religion. This is a good biography of Puritans so far as it goes. The other fact, not given by Fiske is, that the Armenians for more than 3,000 years were in constant turmoil, warfare and subjection. From 2,000 years before Christ to 1200 A. D., the Armenians passed under nine dynasties and were finally absorbed by partition into Russia, Persia and Turkey. When the "Puritans" (Catharists) emigrated they passed through Turkey, skirted along the northern border of Italy, drifted into Northeastern France, and there fell in with the Albigenses, and mixed up with them in their struggle for life against the armies of Pope Innocent III. The remnant that escaped the sword of that pious Innocent wandered on until they reached England, where trouble soon began.

If the theory of Fiske be correct, we can understand the turbulence and insurrectionary conduct of the Puritans in England, and the ferocity of their religion when they reached America. Environment shapes not only the physical development of fauna and flora, but it controls the physical, mental, and moral qualities of mankind. A people who had been a football for Europe and Asia for three thousand years, and had to endure the different whims, commands and cruelties of Assyrians, Persians, Greeks, Romans, Russians and Turks, followed by the brutal persecutions of Pope Innocent III, had the iron driven into their souls so deep that revenge, cruelty and brutality became their ruling passions, and descended to their children almost as inevitably as the color of their skin. They became a tribe of Ishmaelites—their hands were against the human race.

No wonder is it they rebelled against all restraint, physical and spiritual, and kept the established church of England seething and boiling like the troubled sea. No wonder is it they avoided the haunts of men and betook themselves, at first, to the barrenness and heather of Nottinghamshire described by the English scholar, Edward Arber, in "The Story of the Pilgrim Fathers," as without roads, with a few strag-

gling villages, among them Scrooby, a Post Office; and Gainsborough—the former saved from oblivion by the presence of Cardinal Wolsey when he retreated before the wrath of his King, Henry VIII, and the latter remembered as the spot to which George Eliot gave the name, St. Oggs, in "The Mill on the Floss"—the pseudonym for the river Trent by which still stands the mill she immortalized as Dorlcote Mill.

No wonder is it that when landed in America, with none to molest them or make them afraid, free as the roving Indians, and ferocious as the beasts of the forests, their avarice—tenderly veiled by Francis Parkman, one of their own family, under the soft and gentle phrase, "excess in the pursuit of gain"—reached its slimy, cruel tenacles across the Atlantic, and drew into its empty and insatiable maw slaves from Africa and digested them into gold.

No wonder is it that Indian warriors captured, not as "Rebels" and "Traitors," but in open warfare, were, by thousands sent to market as slaves in the Barbadoes and West Indies, and converted into cash, among them the Queen of Philip, King of the Pequods, and their son, a lad.

No wonder is it that an Inquisition was set on foot claimed to be by Divine approval (says Parkman), and called the Religion of Christ, and under its charity and love men and women were dragged at the cart-tail, "whipped through three towns," their ears cut off, and then hanged till dead—all in the name of and to honor the Lord.

No wonder is it that white children—one a tender girl of 14 years—brother and sister, for the offense of poverty that prevented payment of a fine of twenty pounds for not attending "religious service" conducted by the Inquisition, were sentenced by the High Court of Boston to be sold as slaves, to end their joyous lives, day and night, working with negro slaves in the Barbadoes—and this, to put money in the Puritans' purse.

No wonder is it that the descendants of Armenian servants under foreign rulers for over 3,000 years had lost, if they ever possessed, the sense of honor that is the chief and strongest bond, the surest anchor of safety to the weak, between civilized nations, and that their fanaticism and avarice over-rode the

only bond between the sovereign States in the Union—denied its authority to bind the Puritans, as they were bound only by a "Higher Law," while insisting with bullet, bayonet and cannon that the Southern States had to obey the bond.

No wonder is it that after preaching Secession and threatening to secede for forty years, these descendants of Armenians, controlled by avarice, denied in 1860 that any other State had the right to secede.

And it was as natural as for the sow to return to the wallow, that, impelled by avarice, the Puritans waged fierce and relentless war, with such barbarous practices as leaving their own soldiers—dupes of a false appeal to enlist—to perish in prisons and "dungeons" after their foes had offered to exchange them.

After that barbarity, and death sentence passed on their own companions in arms, what simpleton would express surprise that men and women of the best blood of England, with bayonets at their breast, were manacled and fettered and delivered up to the rule and ignorance and lusts of their own slaves, by these descendants of menials of three thousand years servitude in savage Asia.

This origin of the Puritans is boldly stated by one of their kind and kin. He bore to his grave the imprimatur of New England—which is tantamount to the Northern People—as well as the diploma and seal of Harvard University. His credentials are of high authority and—I was about to say—beyond denial or question at the North, but in the blazing light of history it is beyond the ken of any mortal to tell what Puritans will not assert—will not deny or repudiate. They asserted and then denied the divinity of Christ. They asserted for forty years the right of New England to secede, and denied in 1833 the right of any other State, or States to secede. They denied that the fugitive slave clause in the Constitution was binding on them.

This sketch of Armenia's history given above is in the book of Fiske. On the assumption that his statement of the origin of the Puritans is correct, I give the sketch to account for the monstrous mental and spiritual teratology of that people.

There is another theory of their origin which is easier to believe as it is less involved. It is that the Puritan stock had been growing on the ground of England centuries before their outbreak at Scrooby. All writers—even Fiske among them—say they first appeared in Nottinghamshire—Scrooby being a rendezvous. Ethnically there seems to be no dispute except that made by Fiske, but in qualities of mind, in spiritual adaptation to existing social and political order and organism of the age, they are what botanists and zoologists have labelled as a "sport." They sprung from the common stock, but, by a hidden, undiscoverable process acting on the germ in cunning Nature's laboratory, the offspring dishonors the parent and a lusus naturae appears, and propagates its kind. From under the roof that has sheltered a dozen offsprings of sane and sound parents sometimes issue eleven model types of manhood and womanhood, and the twelfth goes forth an incorrigible monster in crime. Even from the highest type of civilized and Christian men and women there comes to life an albino. The latter is an affliction very rare—the former is not infrequent. Either theory—that of Fiske or that of a "sport"—accounts for the abnormality of the Puritan.

A third and the last hypothesis explains the mental obliquity, but not the moral turpitude. As the mental precedes the moral condition, it will be seen that, whereas, in single instances, it is sufficient explanation, yet, when applied to millions running through a period of four or five centuries, it is not satisfactory, because it does not solve the factor of persistent heredity. This theory requires, as does the first, a reference to history that runs not further back than the Reformation.

The Reformation by Martin Luther began near the middle of the fifteenth century. But it was not the dawn of that spiritual illumination. As in the beginning John the Baptist was the forerunner of Christ, so Wycliffe prepared the way for Luther. Both preceded Gutenberg, but Wycliffe's translation of the Bible was copied often by hand and widely distributed and read. The masses before that translation knew little of that repository of the Written Word for which their famished souls thirsted, and that little, for a thousand years, had been strained through the stingy lips of priests. Wycliffe supplemented his

translation with treatises, pamphlets and tracts to such a number, as one writer says, they "baffled calculation." They stealthily crossed the British Channel, and were welcomed with joy in huts and palaces, and two hundred, by papal order, were burnt in Bohemia alone. Thus the dawn of the Reformation was in England. The common people who had hungered centuries for the word read this forerunner with avidity, and grew restive under the teachings of the clergy. A century or less later Martin Luther rose up and shook off his fetters. He threw fuel on the fire kindled by Wycliffe.

CHAPTER II.

OF THE PERIOD PRECEDING THE EXODUS FROM ENGLAND.

Nearly all books and other laudatory writings on the Puritans that have filled libraries were composed by themselves and their descendants. That impartiality should mark the tone of these family records, or that truth should be the base line to which all should conform, is not to be expected. Much of the inspiration that aroused the zeal of the authors came from exaggerations composed of tradition and misstatements called history. I speak now of what preceded the exodus from England.

There is nothing that excites so vehemently the sympathies of civilized men as the narrative of physical agony, mental anguish and spiritual suffering that a person or a people undergoes on account of religious faith. There is witchery in the dim past, just as there is in the natural world, that magnifies objects seen through haze. The sun appears more than twice as large at the horizon than at its zenith. Time has magnified women of ordinary statute into Amazons; has increased the glory of Galahad; multiplied the army of Xerxes; made marvelous, not to say enviable, the gastronomic capacity of the Romans, and, even later, of our English ancestry, and the physical strength of the Greeks. We reach widely different conclusions after reading stories told by Ariosoto and Munchausen; and history recited by Robertson, Green, Bancroft, or Ridpath. And it is this perversion of the light of hsitory that has cast a secred halo around the heads of the Puritan Fathers.

An epitome of the history of this people in England can be stated in very few words. This arose from the spiritual unrest, the civic turmoil, the mental unbalance that followed the defiance of the Vatican by Martin Luther. The religious world was upheaved. Then came the "confusion worse confounded" when the Bible was printed and every man and

woman who could read became its interpreter. From that time to the emigration to America, the Puritans were a law unto themselves. They hooted the Catholics, they jeered the Lutherans, they hated the Calvinists, they defied the Established Church and the Acts of Parliament, and especially the Act passed in the 35th year of the reign of Elizabeth, A. D. 1593. They set up a church of their own and worshipped, in contempt of the statutes, when, how and where they pleased.

The consequence was what they called persecution. That they were right they no doubt, believed, because they were religious fanatics. That they were in the wrong no one can doubt who is not a religious fanatic, and who knows their history after they got unbridled control of their ecclesiastical and civil government in America.

When the Puritan is stripped of his tinsel crown of martyrdom in England, of his forged passport to the heart of Christian sympathy, of his bicentenary badge worn on his breast—as the beggar wears his cry "Help the Blind"—smeared with his own blood by his own hands, he stands like Mokanna unveiled, the most repulsive, cruel, bloodthirsty, selfish and aggressive as well as ludicrous figure that ever sprang from a Christian people, bearing the Cross as the symbol of their Faith. In fact, his martyrdom is similar in kind but not in degree to that which John Brown suffered at Harper's Ferry.

I beg to say that I do not include all Puritans in the above characterization, nor shall I include all in what shall follow. I am speaking of those who settled in Massachusetts and spread out over New England. There were a few good and great men of that Faith who did not leave England—such as Milton, Bunyan and Baxter. They were enthusiasts but they kept within the bounds of enthusiasm. The colony that swarmed out from Scrooby when stirred by the royal tipstaves, gave free rein to their enthusiasm that ran wild and swept them over the border far into the quagmire of fanaticism where they have cast up mire and mud for three hundred years, and the end is not yet.

CHAPTER III.

PURITAN FANATICISM.

Since the dawn of authentic history four disastrous waves of fanaticism on religion have swept over the world with most destructive results to the human race. The first was when Mohammed issued from his cave with the divine message committed to his keeping by Allah, and, slowly mustering his hosts, started out with the Koran in one hand and the sword in the other to offer to men of all creeds the sacred privilege to take the Koran, or the sword. Rising in the first half of the seventh century, it swept rapidly over Persia, Greece, Egypt, Spain and India. It then turned westward into central Europe, bearing down all opposition, until it broke on the plain of Tours, and its refluent current settled over the classic ground of Greece and over Asia Minor, where it has lain a thousand years, another but far more repellent Dead Sea, coveted by all nations, but protected by the danger of approach.

The second wave of this singular type of fanaticism was heaved into destructive action by the potent voice of a rabid monk—Peter, the Hermit, in the eleventh century. This time the Christian world was the aggressor. Under Pope Urban II. Europe was largely depopulated by the craze to rescue from polluting hands the sacred sepulchre at Jerusalem. Four times this tidal wave rolled Eastward, the first—a conglomerate mass of men in armor, men in sackcloth, and women and children—some babes in the arms. But, finally, the Moslem fanatics vanquished the Christian fanatics, and by the capture of Constantinople established the Crescent steadfast on European soil. After the forests of Europe and the arid sands of Arabia were sown with human bones, and excepting some knowledge of a few of the Arabs' arts, nothing remains but the bloody pages of history, and the addition of the word "Crusade" to the English vocabulary.

The third wave was when Chirstians rose against Christians at the instigation of bloody Innocent III, when the sword, the

dungeon, the rack, the fagot and torch, the hot spikes of the iron bed—the auto da fe—forerunners of the guillotine—were the missionaries of the Inquisition to convert heretics and to spread the Gospel of the Prince of Peace.

Of the fourth and the last it may be said—"Time's 'vilest' offspring is the last!" It was and is the religious fanaticism of the Puritans. Their historian, John Fiske, gives them an honorable pedigree—that is, if honor shall be due on acount of age only. But it is not necessary to hark back to the eighth century to find them in Armenia, and to trace their tortuous and rebellious course through eight centuries, during which they kept the atmosphere of Europe as hot as it was destructive. The only value attaching to Fiske's ancient pedigree, if true, is the demonstration of the imperishable quality of the Puritans' fanaticism. It runs parallel in length of time with that of the Mohammedans, or the Turks. The distinctive features of the two religions is in the direction of their lust. That of the Turks runs to women—while the Puritans' runs to gold. Religious fanaticism and avarice distinguish the latter.

The last religious fanaticism began to foment in England in the fifteenth century. In the sixteenth century it appeared at first like a cloud over the barren heather of Northamptonshire. It gathered volume and spread to Holland. Thence it rolled across the Atlantic, where, unrestrained by law, it became a law unto itself of such anomalous and hydra-headed shapes as we shall have a glimpse of in the following pages. Yes, the Puritans' fanaticism was the vilest of all. The following pages will demonstrate this charge to the satisfaction of every man not a Puritan or already prejudiced in their defense. That the reader may have a foretaste of the facts on which this charge is founded, a very brief outline is here submitted.

The Puritans left England because they could not get justice there; because they were denied freedom of conscience, freedom of speech and personal liberty; because they were persecuted; because they were denied the privilege to publish books relating to their Faith. As soon as established in the colony they began to persecute all who would not subscribe to their Faith; to suppress freedom of speech, freedom of worship, freedom of conscience, freedom of the press. They banished all non-

conformists on sentence of death by hanging should they return, and accordingly they hanged those who ventured to return—men and women. They had but one court to hear, try and give judgment in cases civil, ecclesiastical and criminal. From its judgment, or sentence, there was no appeal—no escape. They punished with pillories, bilboas and stocks, by whipping men and women on their bare backs while dragged at the cart-tail, through many towns, and by cropping off ears, and by hanging. These barbarities were inflicted for minor misdemeanors, after the victims failed to pay fines imposed. Indians captured in war were sold into slavery with negroes; white children, unable to pay fines, were sentenced to be sold into slavery for life in the West Indies. Their own records will be given in proof of these deeds and of many others. They came to this continent to enjoy personal liberty. Within sixteen years after landing they became the most active pirates engaged in seizing of negroes in Africa to deprive them of personal liberty by making them and their posterity slaves for life. This "industry" was conducted with zeal and enthusiasm for two hundred years. Here was the Puritans' avarice in full operation. Religious fanaticism and avarice—twin monsters—like Sin and Death guarding the gate to Hell, that none might escape.

But religious fanaticism is not only imperishable; it is invulnerable. Its subject may be hanged, drawn and quartered, but its spirit will take refuge and find a lodgment in another body. It is, in a sense, a verification of the Greek metempsychosis. With the Mohammedan it has survived the death of thirteen centuries. Like the White Plague, it is transmitted from sire to son. Like another secret human malady, it contaminates whomever it touches and destroys whom it contaminates. These facts and reflections bear directly on the agitation by the Abolitionists. Isaac Taylor, one of England's foremost scholars, about the close of the eighteenth century, in his able work on Fanaticism, says:

"Such transitions of strong and turbid emotions from one channel to another are not unusual. If the torrent of feeling be choked on one side, it swells and bursts a passage in another; and strange as it may seem, it is a fact that the gentle and genial affections have a specific tendency, when cut off from their

natural flow, to take the turn of rancour and ferocity. The spirit baffled in its first desires and defeated, but not subdued, suddenly meets a new excitement, although altogether of a different order—combined with the novel element and rushes on it knows not whither."

The fanaticism of the Puritans on religion was scotched by the clause in the Constitution forbidding interference with one's religion. A dam was thus thrown across the current, but the current was not removed nor destroyed. As morality is an essential to religion and as conscience is essential to both, the Puritans made negro slavery a question of conscience. While the slave trade was permitted by the Constitution, their conscience could not detect its immorality. The reason is that the second domineering passion of the Puritans—Avarice—was being glutted, and the surfeit satisfied conscience, which, like the boa constrictor after a gorge, quietly slumbers until aroused by hunger. And as the surfeit by the slave trade continued for two hundred years, the slumbering conscience did not wake until the gorge of Avarice was cut off by denial of its pabulum. Negro slaves in the North had been found unprofitable long before the right to import negroes was denied by the limitation in 1808. Even that experience could not awaken the Puritan's conscience. But, when Avarice could no longer rake in the ducats, its twin passion—Religious Fanaticism—awoke and discovered that negro slavery was an abomination in the sight of God, and as the Puritans were His special vice-gerents, they felt constrained by conscience to sweep it from the face of the earth.

CHAPTER IV.

PURITAN NOMENCLATURE.

The nettle "Danger" drove New England and the Southern States together in 1776. From it they "plucked the flower, Safety," but the nettle flourished and grew like the green bay tree for more than a century. It ceased to be exotic and became permanently domesticated. The union was a misalliance and from the beginning the nuptials were celebrated by incessant bitter bickerings, criminations, recriminations, domestic quarrels and family combats that blazed at last into open war. The parties to the union were of different social rank, held widely variant views of morality, justice, humanity and personal liberty, and, judging from practical results, they worshiped different Gods. For the religion of one was gentle, persuasive, charitable and tolerant; while the religion of the other was intolerant, cruel, ferocious and bloody. According to the infallible interpreters of the Puritans' God, He never relented or repented as did the God of the Jews. If in the two cities of the plain there had been, not twenty, or ten, or five righteous men, but ten thousand, and but one unrighteous, their God would have consumed the cities with a rain of fire. This is but a meagre outline of the irreconcilable differences between the two parties to the "indissoluble union" (as Mr. Webster viewed it in 1830), formed in 1787. The facts on which this outline is predicated will appear at the proper times and under appropriate heads as I proceed with this discussion.

When ethnologists undertake the difficult labor of tracing the origin and relation of different branches of the human race, one of their methods is to study their languages, their memorial inscriptions, and the similarity of labial sound. When no written language can be discovered they resort to names given to natural objects, as rivers, mountains, plains and animals. When a people had a written language, however remote the age of their existence, it has been the sesame that opened to paleographers and philologists the degree of civilization attained by that

people. Language is the detective that discovers the secrets of the heart, as well as the operations of the mind. By it we can know, not only the limit of a man's education, but, also, his associations—the company he keeps. As Cuvier could take a tooth, or jawbone, and with it construct the frame of the animal to which it belonged, even one of the mastodon order, so, although a people may have passed into oblivion so long ago that their marble temples and statues, their images of bronze, under the erosive tooth of Time, may be mingled with the dust of the desert, yet the etymologist can scan their language and tell us that people's customs, food, drink, egoism, or altruism, their form of government, their religion, their gods and goddesses, the degree of their refinement, knowledge of the arts and the sciences, their hero-worship, and to what degree they loved and honored their ancestry—their great men and women.

As Virginia and Massachusetts were the first and mother colonies in North America, and as from Virginia the South was mainly settled, and from Massachusetts the other New England territory and the Northern and Western territory were largely colonized, let us apply to these two colonies a few of the tests spoken of above to see if we can determine the characters of these two peoples. Of course, the test by language has no bearing on this question, as both spoke the same tongue. It is to the matter of egoism, or altruism, of customs and laws, of religion, of liberty of conscience, and of pride of ancestry, and honor paid to their heroes and distinguished dead that I shall invite attention. And, first, as to the last named characteristic of the two colonies.

A people who love and honor their parents and great men adopt every method they can devise, within reasonable limits, to perpetuate the memory and glory of their kin who were great in any station and endeavor, whether military, civic, or scientific. One of the most obvious and usual methods is to perpetuate their names by visible objects and records. They write biography in their geography as well as in their books. To their children and the inquiring stranger within their gates they point with pride to the monuments they have erected to perpetuate the deeds of heroism and the achievements in whatever field, of their ancestors. Palestine was decorated by the Jews with rude monu-

ments of stone in testimony of deeds, events, and even of dreams they cherished the memory of, and desired to transmit by legend and signs to future generations. And archaeologists are to day excavating and sweeping aside the rubbish that Time has piled over those tokens of admiration and reverence, to identify them with the records of history. Every Spartan who passed the defile of Thermopylae contributed a stone to form the sacred pile where fell Leonidas and his immortal Three Hundred. A book could be filled with such testimonials of pagan hearts. As pagan hearts were thus moved by altruism and filial love, what should we not expect of a boastful Christian people whose oral and printed praise of their ancestry and of themselves can not be exaggerated, and whose self-laudation, like Tennyson's brook, "flows on forever?"

What has Massachusetts done in this particular for her great men? Look at her map. She has fourteen counties that bear the following names: Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, Worcester.

Two men are honored—Franklin, an American, and Hampden, an English hero and patriot, but in no sense a Puritan. Surely the Puritans did not intend to honor Essex—an Elizabethan courtier of the most abject servility. The other twelve counties bear unaccountable names—English and Indian—all of the neuter gender.

The names of her postoffices show the same lack of reverence, respect, and of State and family pride. Of nine hundred postoffices, less than two and one-half per cent bear the names of distinguished persons. Of the two per cent, eleven were Englishmen, to-wit: Blackstone, Chatham, Chesterfield, Carlisle, Grafton, Hampden, Hardwick, Mansfield, Marlboro, Walpole, Wellington. Of the remainder of their small per cent, eight were not her sons, to-wit: Washington, Jefferson, Franklin, Monroe, Hancock, Hamilton, Clinton, Randolph. Of her own distinguished men she has remembered in naming postoffices,—Adams, Bancroft, Quincy, Cushing, Warren and Webster. Why were left unhonored her Paul Revere, Choate, Sumner, Longfellow, Hawthorne, Whittier, Holmes, Butler, Everett, and many more who have shed glory on her name?

Why not do honor to Bunyan, Baxter, Milton, Cromwell, Prynne, Burton, Bostwick and many other Puritans? As she has thus honored Winthrop, a colonial Governor, why omit Endicott and Cotton Mather? Winthrop sold children into slavery only because they could not pay a debt; Endicott hanged the Quakers only because they would not change their religion, and subscribe to the Puritan Articles of Faith, and Mather hanged and burned old women and young girls only because some superstitious neurotic accused them of witchcraft, and they could not disprove the charge. Why honor the Governor who made two little children—boy and girl, brother and sister—slaves to work with negroes in the Barbadoes, and refuse or neglect to place Governor Endicott and Mather, her great Scholar and Divine, in the same Hall of Fame, one of whom had murdered innocent men for no other crime than a difference on doctrines of religion that neither understood, and the other had broken the necks of women and children on the gallows for failing to prove that they had not been working miracles?

Instead of trying to perpetuate in every laudable way the memory of her sons, Massachusetts is blanketed with names of no more memorial significance than are the following few selected at random: Egypt, Ponkapog, Assinippi, Assonet, Quinsigamond, Quineapoxet, Wagnoet, Woods Hole, Weymouth, Yarmouth, Needham, Eastham, West Chop, and after these "mouths" and "hams" and "chops," she offends one of the world's five senses with Buzzard's Bay and Buzzard's Bay Postoffice. And, as if she had never heard of Hawthorne, Longfellow, Bryant, Whittier, Choate, Sumner, Everett, and others of her great sons, and was unable to find more names on the earth, or in the appendix to Webster's Unabridged, she doubles, triples and quadruples insignificant names already bearing postoffices, by prefixing East, North, South and West to about 180 towns, such as East Weymouth, North Weymouth, West Yarmouth, South Yarmouth, South Braintree, etc.

I now take the geography of Virginia and West Virginia. I include the latter because she had received her baptism and honorable nomenclature before she was ripped from her mother by that barbarian and African process which Henry A. Wise,

Virginia's war-Governor, so felicitously characterized by re-christening her as "the bastard offspring of political rape."

Of West Virginia's forty-one counties, thirty-seven were named in honor of distinguished persons, and of these all were her sons except five. Taking Virginia and West Virginia together there are 142 counties, and all of these perpetuate the names and glorious deeds of men and one woman—Pocahontas.

In order to show that this proof of pride of ancestry and of lofty sentiment in the South is not confined to Virginia, I select one other State—the Benjamin of the Thirteen—Georgia. Space does not allow me to exhibit other Southern States, notably North and South Carolina.

Georgia has (1912) 146 counties. In 1905 she had 137. Of these 126 bear the names of distinguished men, and nearly all were Georgians. The exceptions are equally honorable to the State, to-wit: Washington, Jefferson, Madison, Monroe, Greene, Burke, Richmond, Calhoun, Decatur, DeKalb, Effingham, Chatham, Franklin, Hancock, Henry, Jackson, Jasper, Milton, Oglethorpe, Pike, Pulaski, Putnam, Taylor, Webster and Worth. The counties not named for men attest the patriotism of the people of Georgia, and also their aestheticism and admiration of the beautiful and musical. These exceptions are: Columbia, Liberty, Union, and (Indian names) Chattahoochee, Chattooga, Cherokee, Coweta, Catoosa, Oconee.

Since 1905 nine counties have been added and each one was created, in part, to bear the name of a distinguished Georgian. They are: Jenkins (Charles J., who refused, as Governor, to surrender to the bayonet the seal of his State, and was deposed by the military); Grady (whom even Boston has applauded vociferously); Toombs (Robert)—the most brilliant, probably, of all Americans); Stephens (Alexander H., Vice-President of the Confederacy, and known world-wide); Turner (Henry G., Representative of ability, known to the country as one who refused re-election to Congress only because he differed with his constituents on the silver issue).

As the postoffices in Georgia are largely over 2,000 I cannot review them in this limited space. The names of her counties alone illustrate more clearly than do those of Virginia the lofty filial sentiment of the South, her admiration and love for

patriots, statesmen and noble kindred. The casual reader must be impressed with the conviction that there is a wide gulf between Virginia and Massachusetts, and (ex uno disce omnes), the same condition exists in a larger degree between the States in the aggregate—North and South. There are many who have not measured the magnitude of the gulf between them.

Now, what does the nomenclature adopted by the two colonies and States indicate? It shows that their peoples are of different origin. A philologist would say, after a glance, that they differed widely in sentiment, in feeling, in filial devotion and pride, and in social culture. What does history say? Why did the sons of Virginia give to her counties such names as King and Queen, Prince Frederick, Prince George, Prince William, Prince Edward, King William, Orange, Elizabeth City, Louisa, and others which were of the royalty and the nobility of England? Virginia was named in honor of the Virgin Queen, Elizabeth. Why did Massachusetts omit all such names, and daub and plaster her face with such crude material as I have given a few samples of? Was it accidental? Was it a vagary that ran through two centuries, from father to son during six generations? Those names were not drawn from a hat. No! Those names betray unmistakably the nature of the people who established Massachusetts Bay. They were in and of one class in England, and the Virginia colonists were in and of a different and much higher social class in England. The Virginians were not toadies and flunkeys in the gutter, reaching up to touch the hems of garments worn by the nobility, and giving to their children and homes noble names that thrift might follow. Association, social and blood relations suggested those names. They were familiar household sounds. Some of the nobility came to Virginia. One of them has but recently become vested, by descent and failure of issue, with the title of Lord Fairfax. Be it said to his credit that he hesitated and debated whether he would not renounce the title and remain a citizen of Virginia.

In England the ancestors of Virginia's colonists were either of the nobility or were of the leisure class that did not labor. They followed the hounds and the turf as a gentleman's sport;

and as Thackeray portrays in "The Virginians," indulged, men and women, in games of chance. Massachusetts was founded by Puritans; Virginia was founded by the Cavaliers. These two were of or near the extremes in the social order of England. They were not only not in touch socially, but were as far apart as the poles in politics, tastes, habits, sentiment, temperament, amusements, occupation, and, above all, in religion. The Cavalier clung to the old order of government. The Puritan was not only a dissenter, a Nonconformist, but was a leveler, and desired to overthrow the government and its religion, roots, trunk and branches. Indeed, the position of the two, the Puritans and the Cavaliers in England, is well typified by the scene of the Cavalier seated in Parliament, while the Puritan, like Guy Fawkes, was in the basement burrowing and packing gunpowder to blow up the Parliament. One was an organizer for the general good. The other was a disorganizer for his special benefit.

Is it cause for wonder that two peoples with such opposite origins should exhibit such contrariety and inequality in sentiment, feeling and action? The Cavaliers were born and reared in affluence near the throne; the Puritans were born and reared in poverty and many were servants to the nobility; one conforming to the established order of State and Church; the other so angular and rebellious that they despised both the State and the Church, and flouted every doctrine and form of religion—Catholic, Lutheran, Presbyterian and Episcopal—and demanded that their own peculiar religious tenets should be accepted by all other religionists as a condition precedent to peace and good order in the State.

The Cavaliers were educated in the colleges and universities of England and Continental Europe; the Puritans, with few exceptions, that will be named later on, received scant parochial education, and passed over the British Channel but once, and that was when their rebellious spirit at home aroused the government to action and a few fled to Holland where they prepared for their final exodus across the Atlantic in 1620.

I beg to say that I am not out on a crusade against the Puritans. I do not subscribe to Macaulay's conclusion that the Puritans condemned bearbaiting, not because it was cruelty to the bear, but because the sport gave pleasure to the spectators.

I am not writing to arouse sectionalism. I desire to allay it. Sectionalism was not littered in the South, and, so far as I know, taught as I have been by continuous residence in the South, her people deplore the cleavage of sectional animus. But when a man becomes supercilious, arrogant and abusive, and dons his pharisaical robe, he provokes inquiry into his title to assumed superiority. When a man charges his neighbor with dire offenses he is open to a challenge to produce his proof. When a man has committed crimes against the peace of the State, the welfare of all citizens demands an investigation. So, when a quarrel begins between two individuals and homicide ensues, and each charges the other with being the aggressor, the question for a judge and jury to determine is, who was the aggressor? This is necessary in order to determine whether the homicide was justifiable.

If one section of our Union has been arrogant and abusive; has charged another section with offenses against the law; has committed crimes against individuals as well as against the laws and peace of the State; has unjustifiably provoked a disastrous war, that section should be the one held responsible for all consequences that followed. It is my purpose to endeavor to show who provoked the war between the North and the South, and I begin the legal inquiry by an examination into the history of the Puritan. I assume as my minor premise that had there been no Puritan there could have been no war. This I shall establish later by proofs, and my chief witness shall be the Puritan. Had there been no Puritan there would have been no Abolitionist, for his sire was the Puritan and his dam was the negro.

And just here a remark is suggested by that scrap of genealogy. It is that the Republican party of to-day has stolen and is masquerading under the name of the party of Jefferson, Madison and Jackson, and is the offspring—the primogenitor—of that child of the Puritan begotten of the negro. The South was present when that Party's father was born, and afterward witnessed that child's shame at its base parentage. which it tried to escape by being christened "Republican." But the change of name did not change the infant's spots nor its skin. True to its parentage it has all the greed, rapacity, fanaticism and lawlessness of its father, and much of the immorality and unconquerable, innate proclivity of the mother for appropriating the

property of others, that have attained for father and mother and child international reputation. In this genealogy can be seen one of the insuperable obstacles in the way of the benevolent propagandism of Mr. Taft—that is, his desire to absorb the South in the Abolition Party. It may be that Faith can remove mountains, but there is a high wall that neither Faith nor Mr. Taft's blandest "smile" can budge.

I am not assuming to sit in judgment and to decide which of the two peoples I am hastily reviewing is the superior. "Whether it is nobler in the mind" to pursue the vocations and avocations adopted by the Puritans, or those followed by the Cavaliers; whether it was better to chase the fox with hounds and thus save the chickens, or to chase Quakers and hang them for dissenting from a creed that they could not, in conscience, believe; whether it was more conducive to morality and happiness to train horses for the turf and to run them for a wager, or to teach from pulpits the duty to God to hunt and run down old women and young girls, and hang them on the sole basis of a superstition that they could repeat the miracles performed under Divine authority by Moses and afflict cattle with murrain by looking over a neighbor's fence; whether it was more humane or less fiendish to hang and burn women and children for imaginary witchcraft, or to sentence only one woman accused of witchcraft to be ducked as "common scolds" were punished in England ages ago, and for the judge to relent and revoke his order; whether it was more cruel and barbarous to steal negroes in Africa and chain them between decks and to deprive them forever of personal liberty, make them slaves and sell the few who did not perish of hunger and thirst while floating in their own filth in the middle passage from Africa to New England, or for Virginians to buy the surviving slaves—paying for them in full —and to treat them with humanity; whether it was more acceptable to God to be worshiped under thirty-nine Articles of Faith, which a sinner could believe and be saved, or go his way without persecution in this life and take his chance of being damned in the next for unbelief, or to worship God under eighty-two Articles of Faith, or be damned in this life for refusing to accept them, and have his neck broken by a hangman's rope for heresy; whether it was more just and promotive of personal liberty and

freedom of conscience to leave each citizen free to attend divine worship at his will, or to enact laws that every man, woman and child shall go to church a stated number of times each Sabbath, or be fined so many shillings, and, on failing to pay, to be sold into negro slavery and shipped to the Barbadoes, to collect the amount of the fine;—these and other questions that will arise in this discussion are questions of casuistry, of conscience, and of such intimate knowledge of the Divine will and pleasure that I do not understand and will not assume to decide them. There is one fact, however, on which I would have Mr. Taft exercise his judicial acumen. It is this,—that the religion of the Thirty-nine Articles of Faith is as firmly grounded today as it was three hundred years ago, while the intolerant religion of the Eighty-two Articles of Faith was long ago exploded and, like an exploded meteor in space, is floating in a hundred fragmentary forms—headed by Fourierism and Mormonism, and ending, for the present only, in Abolitionism, Socialism, Miscegenation and Eddy-Bakerism.

CHAPTER V.

PURITAN NOMENCLATURE.—(Continued.)

Words are things and names are words. I need not tell of the latent, dynamic power that abides in a word. It is the mightiest instrument for good or evil that God has given to man. It can make a hero, or mar a saint. "The pen is mightier than the sword"—not the pen, but the word the pen records. Who knew this truism better than the Puritans?

When the Federal Constitution, by guaranteeing freedom of speech and of conscience and by separation of Church and State, deprived those fanatics of exercising, at pleasure, their brutal practice of banishing and hanging any who dissented from their theocratic mummery, they turned at once, with impetuous fury, on their old enemy, the Cavaliers, to wrest from them the property sold to them under guaranty of title by the Puritans. One of these fanatics under the power of a momentary flash that bordered on genius, in order to gather a mob of followers and to hold them, cried out that "the Constitution is a covenant with Death and an agreement with Hell." The insanity of the phrase did not in the least impair its vigor and energizing power over the ignorant multitude it was framed to excite.

No people, no sect, no fanatics ever sought more diligently for verbal weapons to enforce a creed, to damn imaginary heretics, to perpetuate a Faith, or to deceive the public than have the Puritans from the age when, as an ethnic "sport," they appeared a nondescript and a misfit in English history, down to their last, but not their final triumph in chicanery, the devising of the schedule on wool and cotton in the Payne-Aldrich-Cannon-Taft Tariff bill.

That they are not always fortunate in the selection of names will further appear to the discomfiture of their warmest defenders, when I shall collate a few of the barbarisms with which they branded their children at the baptismal font.

This will be shown under the head, "Puritan Fanaticism," which includes the hagiology of this unparalleled religious monstrosity.

The last two paragraphs, although seemingly digressions, have a direct bearing on the Puritan's nomenclature, to which I now return. The question is—why is the face of Massachusetts daubed and warted all over with such meaningless, not to say raucous and repellent names? It was not to compliment the Indians. They were abhorred and despised by the Puritans, whose scalps adorned the surrounding wigwams. In the war with the Pequots or Pequods, the Indians taken prisoners, against all rules of modern warfare, were shipped to the West Indies and Barbadoes and sold as slaves. Even the wife of Philip, King of the Pequods, and their only son, were doomed to that inhuman fate.

By all the rules that commonly influence men in the selection of names, we should more reasonably expect to find towns in Massachusetts named for some of her negro slaves than for her Indian foes. In scanning the map and trying to pronounce the names of some of the towns, as so many are Indian, it is worthy of note that we do not stumble over "Aponopemquin," who, for his piety after the manner of the Puritans, was dubbed by them "Old Jacob." This distinction was conferred because Aponopemquin "prayed to God."

Before giving names to cats and dogs even negroes con over a list of names to find one that has some association or euphony to commend it. There is but one conclusion to be drawn. It is that the Puritans had no thought nor desire to honor their ancestors or men distinguished in Church, State, literature, science, or art. Whatever possessed or obsessed them when things were to be named, they left footprints on the sands of New England that will endure as long as her granite hills. They selected and domiciled a thousand witnesses that testify to the Puritans' barrenness of gentility, of refined sentiment, of filial devotion, of pride of ancestry—so barren that the words of their savage foes, that would balk a Russian, are their deliberate choice over the names of their

Christian brothers, statesmen and heroic dead. Here are some of them:

NOMENCLATURE.

Date

1543—Gersham Hilles.
1688—Manasseh Jeake.
1802—Zaphnaphpoaneah Clark.
1803—Mahershelal-hash-baz Bradford.
1564—Abdias Pownall.
Barnabas Pownall.
Ezekiel "
Posthumus "
Repentence "
1589—Baraleel Nicholson.
Aholiab Nicholson.
Rebecca "
1613—Jael Mainwaring.
1617—Ezekyell Culvenvill.
1582—Zackary Newton.

One Edmond Snape, Puritan preacher, promised to baptize a neighbor's child. He said to the father, "You must give it a Christian name allowed in the Scripture." The father said his wife wanted the name of her father, Richard, given to the child. When the neighbors were assembled, and Snape delivered a long harangue and asked for the name for baptism, and Richard was given, he refused to baptize the child and stood there until the crowd dispersed.

1563—A Puritan's wife had twins and he had them baptized "Cain and Abel."

Another chose Ramoth-Gilead for his son to wear.

Mr. Pegden had five sons. They were christened in the order born—Matthew, Mark, Luke and John, and the fifth was christened Acts-Apostles.

Lamentations Chapman was sued in Chancery about 1590.

Some children were baptized "Dust-and-Ashes."

1509—Affray Manne.

1614—Aphora Merrewether.

I have said the Puritans were of the lowest social order—and not educated. The reader can not fail to observe their ignorance. In choosing names idem sonans was their only guide. Evidently they could not read. Take the name "Aphrah" in one of Micah's lugubrious prophecies—"Declare ye not it at Gath * * * in the house of Aphrah roll thyself in the dust." Aphrah means dust. In the Puritans' baptisms Aphrah is spelled Affray, Affera, Afra, Aphora, Aphoric, Aphoro.

When the preacher who was christening a child for whom the name Achseh (Caleb's daughter) had been chosen, asked, "What name?" One woman said "Axher." He turned to another, who replied "Axher." A third said "Axher." By perseverance, for which Puritans and all fanatics and lunatics are distinguished, he learned that the name desired was Achseh. The highways, byways, paths, lanes, alleys, and graveyards were strewn for three centuries with Drusillas, Sapphiras, Cecilias, Rebeccas, Deborahs, Sarahs, Susannahs, Judiths, Faiths, Hopes, Charities, Priscillas, Dorcases, Tabithas, Marthas, Repentances, Hepzibahs, Adahs, Tillahs, Methetabels, Jehviadas, Equilas, Eunices, Adnas, Dinahs, Tamaras, Daniels, Ezekiels, (spelled six ways, showing the ignorance of the preachers who entered the names on the parish registers.)

Here is a list of Jurors:

Redeemed Campton.
Stand-Fast-on-High Stringer.
Weep-not Billing.
Called Lower.
Elected Mitchell.
Renewed Wisbury.
Fly-Fornication Richardson.
Fight-the-Good-Fight-of-Faith White.
Kill-sin Pemble.
Preserved Fish.

CHAPTER VI.

SLAVERY IN MASSACHUSETTS.

Needless is it to tell any American that the Puritans' "shadow of a great rock in a weary land," for forty years, was Daniel Webster. But when, in 1850, in the trial between the North and the South, he turned "State's evidence," the Puritan's favorite avenger—the mob—hunted him down, drove him to Marshfield, hemmed him in and there crushed his great heart that loved Massachusetts so well as to sacrifice his honor in her service. As a complete and final answer to the Puritans' attempt to dodge the wrath of Jehovah, scathing the North in every region, from Back Bay, Beacon Street, Tremont Street, to the reeking slums, I give a quotation from Mr. Webster's address December 22, 1820, delivered on Plymouth Rock, entitled "First Settlement of New England":

"I deem it my duty on this occasion to suggest that the land is not yet wholly free from the contamination of a traffic, at which every feeling of humanity must forever revolt,—I mean the African slave-trade. Neither public sentiment, nor the law, has hitherto been able entirely to put an end to this odious and abominable trade. At the moment when God in His mercy has blessed the Christian world with a universal peace, there is reason to fear that, to the disgrace of the Christian name and character, new efforts are making for the extension of this trade by subjects and citizens of Christian States, in whose hearts there dwell no sentiments of humanity or of justice, and over whom neither the fear of God nor the fear of man exercises a control. In the sight of our law the African slave-trader is a pirate and a felon; and in the sight of Heaven, an offender far beyond the ordinary depth of human guilt. There is no brighter page of our history, than that which records the measures which have been adopted by the government at an early day, and at different times since, for the suppression of this traffic; and I would call on all the true sons of New England to co-operate with the laws of man, and the justice of Heaven. If there be,

within the extent of our knowledge or influence, any participation in this traffic, let us pledge ourselves here, upon the rock of Plymouth, to extirpate and destroy it. It is not fit that the land of the Pilgrims should bear the shame longer. I hear the sound of the hammer, I see the smoke of the furnaces where manacles and fetters are still forged for human limbs. I see the visages of those who by stealth and at midnight labor in this work of hell, foul and dark, as may become the artificers of such instruments of misery and torture. Let that spot be purified, or let it cease to be of New England."

Let it not be overlooked that he was speaking in the present tense—of conditions in December, 1820—thirty years after the Puritans began to petition Congress to abolish slavery, and thirty-three years after the Puritan deputies in the Convention that framed the Constitution affected such sensitiveness of conscience as to wrangle over the horrors of slavery until they got a valuable concession for consenting to the fugitive slave clause, and to the continuance of the slave-trade until A. D. 1808. Note this language:

"It is not fit that the land of the Pilgrims should bear this shame longer. I hear the sound of the hammer, I see the smoke of the furnace where manacles and fetters are still forged for human, limbs, I see the visages of those who, by stealth, and at midnight, labor in this work of hell, foul and dark, as may become the artificers of such instruments of misery and torture. Let that spot be purified, or let it cease to be of New England!"

And this appeal by New England's greatest Prophet and Priest!

Let us hear another witness on slavery during 150 years, in the first colony of the New England group—the bellwether of the flock; the one whose filio-pietistic historians—in the vain struggle to bury out of sight her mountainous avarice, hypocrisy, perfidy to prisoners, fanaticism worse than insanity, cruelty to all races, white, black and brown—have written more books and pamphlets, preached more sermons, delivered more maudlin post-prandial speeches and set orations, and spun more sailors' yarns than Scheherazade invented through a thousand and one dismal days, to spin during as many nights to save her life. This witness is George H. Moore, Librarian of the New York

Historical Society and corresponding member of the Massachusetts Historical Society. His book is entitled "NOTES ON THE HISTORY OF SLAVERY IN MASSACHUSETTS." This book appeared in 1866, one year after Massachusetts had ceased from her bloody work of four years to free the negroes she had enslaved and sold to the South. Mr. Moore's book is not written as a history. It is a careful compilation of extracts from histories, legislation, journals, judgments of courts, statutes, executive documents, etc., some of which "import absolute verity," and all are free from the suspicion of bias. The reader will note that the various extracts contain proof of the above charges of fanaticism, avarice, hypocrisy, perfidy, treachery, and cruelty.

The lame and impotent effort of the statesmen in Massachusetts, during a century, to legislate slavery out of the colony, forms the most ludicrous chapter in all the solemn farces in the history of hypocrisy, and of man's success in illustrating "how not to do it." In fact, the entire history of negro slavery in that nursery of "moral ideas" is, in the moral and intellectual realms, as fantastical, spasmodic and neurotic as is her record made by her religious fanatics. The two are like the two negative poles of electricity—they never come together. There was a constant battle-royal between Avarice and a weak antagonist wearing the masque of Conscience—with Avarice always in the ascendant. The forces arrayed under the banner of Conscience, while holding the vantage ground in every conflict, were too weak to dislodge the foe. In every assault, Conscience, like the great New York statesman, "Me Too," always fell outside the breastworks. This unequal struggle was waged during a hundred and fifty years. And, Mr. Moore says, the indisputable record shows that Conscience never succeeded in vanquishing its stubborn foe; not until the Southern States went to its assistance in 1866, by voting to adopt the 13th Amendment to the Constitution. The advantage Avarice held to the last was that it occupied the citadel with headquarters in palaces along Beacon Street, Tremont and Commonwealth, faring sumptuously on pumpkin pie, Boston beans, champagne and the rarest Havanas, while Conscience had to camp outside, having no bounties to buy recruits, in the valley of dry bones of the murdered Quakers, women and children, their own innocent victims,

mingled with the skeletons of a hundred thousand negro slaves contributed to the heap by her enemy—Avarice.

Now to the law and testimony as furnished by that impartial "chronicler of the times," George H. Moore. His opening sentence is in these words: "We find the earliest records of the history of slavery in Massachusetts at the period of the Pequod War—a few years after the Puritan settlement of the colony. Prior to that time an occasional offender against the laws was punished by being sold into slavery or adjudged to servitude; but the institution first appears clearly and distinctly in the enslaving of Indians captured in war." That it may appear beyond question that Mr. George H. Moore had no pro-slavery proclivities, I quote the closing sentence in the paragraph just quoted from: "And at the outset we desire to say that in this history there is nothing to comfort pro-slavery men anywhere. The stains which slavery has left on the proud escutcheon even of Massachusetts, are quite as significant of its hideous character as the satanic defiance of God and Humanity which accompanied the laying of the corner-stone of the Slave-holders' Confederacy."

Page 4. He says: "At any rate, it is certain that in the Pequod War they took many prisoners. Some of these, who had been disposed of to particular persons in the country, ran away, and being brought in again, were branded on the shoulder. In July, 1637, Winthrop says, 'We had now slain and taken, in all, about seven hundred. We sent fifteen of the boys and two women to Bermuda, by Mr. Pierce; but he, missing it, carried them to Providence Isle. The prisoners were divided, some to those of the Connecticut Colony and the rest to us. Of these we sent the male children to Bermuda, by Mr. William Pierce, and the women and maid children are disposed aboute in the tounes.' "

Hubbard, a contemporary historian of the Indian Wars, confirms that statement of Gov. Winthrop.

Winthrop, in his Journal of Feb. 26th, 1638, says: "Mr. Pierce, in the Salem ship, the Desire, returned from the West Indies after seven months. He had been at Providence, and bought some cotton, and tobacco, and negroes, etc., from thence, and salt from Tertugos." Long afterwards Dr. Belknap said

of the slave-trade, that the rum distilled in Massachusetts was "the mainspring of this traffick." Josselyn says that "they sent the male children of the Pequots to the Bermudas."

This single cargo of women and children was probably not the only one sent, for the Company of Providence Island, in replying from London in 1638, July 3rd, to letters from the authorities in the island, direct special care to be taken of the "Cannibal negroes brought from New England." And in 1639, when the Company feared that the number of the negroes might become too great to be managed, the authorities thought they might be sold and sent to New England or Virginia. The ship "Desire" was a vessel of one hundred and twenty tons, built at Marblehead in 1636, one of the earliest built in the Colony. Josselyn visited New England twice, and spent about ten years in this country. In speaking of the people of Boston he mentions that the people "are well accommodated with servants * * * of these some are English, others negroes."

It will be observed that this first entrance into the slave-trade was not a private, individual speculation. It was the enterprise of the authorities of the Colony. And on the 13th of March, 1639, it was ordered by the General Court "that 318s should be paid Leiftenant Davenport for the present, for charge disbursed for the slaves, which, when they have earned it, hee is to repay it back againe." The marginal note is, "Lieft. Davenport to keep the slaves."

The first statute established on slavery in America is to be found in the famous CODE OF FUNDAMENTALS, or BODY OF LIBERTIES OF THE MASSACHUSETTS COLONY IN NEW ENGLAND—the first code of laws of that colony, adopted in December, 1641. These liberties had been, after a long struggle between the magistrates and the people, extracted from the reluctant grasp of the former. "The people had (1639) long desired a body of laws, and thought their condition very unsafe, while so much power rested in the discretion of magistrates." (Winthrop, I, 322.) Never were the demands of a free people eluded by their public servants with more of the concortions as well as wisdom of the serpent. But to the law

and the testimony. The ninety-first article of the Body of Liberties appears as follows, under the head of

"LIBERTIES OF FORREINERS AND STRANGERS:

"91. There shall never be any bond slaverie, villinage or captivitie amongst us unless it be lawfull captives taken in just warres, and such strangers as willingly selle themselves or are sold to us. And these shall have all the liberties and Christian usages which the law of God established in Israell concerning such persons doeth morally require. This exempts none from servitude who shall be Judged thereto by Authoritie."

In the second printed edition, that of 1660, the law appears as follows, under the title "BOND SLAVERY."

"It is Ordered by this Court & Authority thereof; that there shall never be any bond-slavery, villenage or captivity amongst us, unless it be Lawfull captives, taken in just warrs, or such as shall willingly sell themselves, or are sold to us, and such shall have the liberties, & Christian usages which the Law of God established in Israel, Concerning such persons, doth morally require, provided this exempts none from servitude, who shall be judged thereto by authority." A copy of this law is now preserved in the Library of the American Antiquarian Society at Worcester, in Massachusetts.

Thus stood the statute through the whole colonial period, and it was never expressly repealed. Based on the Mosaic code, it is an absolute recognition of slavery as a legitimate status, and of the right of one man to sell himself as well as that of another man to buy him. It sanctions the slave-trade, and the perpetual bondage of Indians and negroes, their children and their children's children, and entitled Massachusetts to precedence over any and all the other colonies in similar legislation. It anticipated by many years anything of the sort to be found in the statutes of Virginia, or Maryland, or South Carolina, and nothing like it is to be found in the contemporary codes of her sister colonies in New England. Yet this very law has been gravely cited in a paper communicated to the Massachusetts Historical Society, and twice reprinted in its publication without challenge or correction, as an evidence that "so far as it felt free to follow its own inclinations, uncontrolled by the action of the mother country, Massachusetts was hostile to slavery as

an institution." And with the statute before them, it has been persistently asserted and repeated by all sorts of authorities, historical and legal, up to that of the Chief Justice of the Supreme Court of the Commonwealth, that "slavery to a certain extent seems to have crept in; not probably by force of any law, for none such is found or known to exist."

For over a hundred years negroes were sold in Massachusetts as slaves and their children were born in slavery during at least four generations, and one negro, Edom London, had been recognized as a slave to the extent of being sold and bought by eleven masters. Chief Justice Parsons in making the decision, said that the general practice and common usage had been opposed to this opinion, but sustained the opinion that a negro born in the State before the Constitution of 1780 was born free, although born of a female slave. Chief Justice Parker, in 1816, cautiously confirmed this view of the subject by his predecessor. He said, "The practice was * * * to consider such issue as slaves, and the property of the master of the parents, liable to be sold and transferred like other chattels, and as assets in the hands of executors and administrators." He adds, "We think there is no doubt that, at any period of our history, the issue of a slave husband and a free wife would have been declared free." "His children, if the issue of a marriage with a slave, would, immediately on their birth, become the property of his master, or of the master of the female slave."

Notwithstanding all this, in Mr. Sumner's famous speech in the Senate, June 28th, 1854, he boldly asserted that "in all her annals, no person was ever born a slave on the soil of Massachusetts," and "if, in point of fact, the issue of slaves was sometimes held in bondage, it was never sanctioned by any statute-law of Colony or Commonwealth."

The Articles of Confederation of the United Colonies of New England, 19th May, 1643, which commence with the famous recital of their object in coming into those parts of America, viz., "to advance the Kingdome of our Lord Jesus Christ, and to enjoy the liberties of the Gospell in puritie with peace," practically recognize the lawful existence of slavery. The fourth Article, which provides for the due adjustment of

the expense or "charge of all just warrs whether offensive or defensive," concludes as follows:

"And that according to their different charge of each jurisdiccon and plantacon, the whole advantage of the warr (if it please God to bless their Endeavours) whether it be in lands, goods, or persons, shall be proportionably devided among the said Confederates." The original of the Fugitive Slave Law provision in the Federal Constitution is to be traced to this Confederacy, in which Massachusetts was the ruling colony.

Mr. Moore says: "Historians have generally supposed that the transactions in 1644-5, in which Thomas Keyfer and one James Smith, the latter a member of the church of Boston, were implicated, first brought upon the colonies the guilt of participating in the traffic of African slaves. The account which we have given of the voyage of the first colonial slave-ship, the Desire, shows this to have been an error, and that which we shall give to these transactions will expose another of quite as much importance." Mr. Moore then quotes from the historian Hildreth in his story of New England theocracy, and says:

"The first code of laws in Massachusetts established slavery, as we have shown, and at the very birth of the foreign commerce of New England the African slave-trade became a regular business. The ships which took cargoes of slaves and fish to Madeira and the Canaries were accustomed to touch on the coast of Guinea to trade for negroes, who were carried generally to Barbadoes, or the other English Islands in the West Indies, the demand for them at home being small. In fact, Gov. Winthrop in his Journal made this entry: 'One of our ships, which went to the Canaries with pipe-staves in the beginning of November last, returned now (1645) and brought wine, and sugar, and salt, and some tobacco, which she had at Barbadoes, in exchange for Africoes, which she carried from the Isle of Maio.' "

In 1646, the Commissioners of the United Colonies made a very remarkable order, practically authorizing, upon complaint of trespass by the Indians, the seizure of "any of that plantation of Indians that shall entertain, protect, or rescue the offender." The order further proceeds: "And, because it will be chargeable keeping Indians in prisone, and if they should

escape, they are like to prove more insolent and dangerous after, that upon such seazure, the delinquent or satisfaction be againe demanded, of the Sagamore or plantation of Indians guilty or accessory as before, and if it be denyed, that then the magistrates of the Jurisdiccon deliver up the Indians leased to the party or parties indamaged, either to serve, or to be shipped out and exchanged for Negroes as the cause will justly beare."

Two things must be noted here, viz., the export for trade of Indians for negroes, and the measure of "justice" in those days between the colonists and the natives. Mr. Moore also notes the treatment of the two children, Daniel and Provided Southwick, son and daughter to Lawrence Southwick, who on June 29th, 1658, were fined 10£, but their fines not being paid, and the parties (as is stated in the proceedings) "pretending they have no estates, resolving not to worke and others likewise have been fyned and more like to be fyned"—the General Court were called upon in the following year, May 11th, 1659, to decide what course should be taken for the satisfaction of the fines. This they did, after due deliberation, by a resolution empowering the County Treasurers to sell the said persons to any of the English nation at Virginia or Barbadoes—in accordance with their law for the sale of poor and delinquent debtors. To accomplish this they wrested their own law from its just application, for the special law concerning fines did not permit them to go beyond imprisonment for non-payment.

The father and mother of these children, who had before suffered in their estate and persons, were at the same time banished on pain of death, and took refuge in Shelter Island, where they shortly afterward died. The Treasurer, on attempting to find passage for the children to Barbadoes, in execution of the order of sale, found "none willing to take or carry them." Thus the entire design failed, only through the reluctance of these shipmasters to aid in its consummation. Provided Southwick was subsequently, in the same year, in company with several other Quaker ladies, "whipt with tenn stripes," and afterwards "committed to prison to be proceeded with as the law directs."

CHAPTER VII.

SLAVERY IN MASSACHUSETTS.
(Continued.)

In August, 1675, the Council at Plymouth ordered the sale of a company of Indians, "being men, women and children, in number 112. The Treasurer made the sale "in the countryes behalfe." (Plymouth Records, v. 173.)

A short time after the Council made a similar disposition of 57 more Indians who had come in and surrendered. These were condemned to perpetual servitude, and the Treasurer was ordered to make sale of them, "to and for the use of the collonie."

One item Mr. Moore gives is that the Colony of Massachussets for 188 Indians, prisoners of war, received 397£. (Plymouth Records, x., 401.)

Mr. Moore says—"There is a peculiar significance in the phrase which occurs in the Records—sent away by the Treasurer. It means sold into slavery." (Mass. Records, v. 58.) He says: "The statistics of the traffic carried on by tho Colony Treasurer cannot be ascertained from any sources now at command. But great numbers of Phillip's people were sold as slaves in foreign countries. In the beginning of the war Captain Moseley captured 80, who were confined at Plymouth. In September following 178 were put on board a vessel commanded by Captain Sprague, who sailed from Plymouth with them for Spain.

"The Apostle Eliot's earnest remonstrance is a glorious memorial of his fearless devotion to reason and humanity—to which neither the rulers nor the people of Massachusetts were then inclined to listen. He appeared to the Governor and Council, and, among other things, said: 'Christ hath said, blessed are the merciful for they shall obtain mercy. This usage of them is worse than death. * * * It seemeth to me, that to sell them away for slaves is to hinder the inlargement of Christ's kingdom. * * * To sell souls for money seemeth

to me a dangerous merchandise. If they deserve to die, it is far better to be put to death under godly governors, who will take religious care that means may be used that they may die penitently.' * * * (Deut. 23: 15-16. Plymouth Colony Records.)

"There is nothing to show that the Council gave heed to the petition of Eliot, but it has been disclosed that the General Court the same day shipped several Indians away. The General Court, 1678, passed an order prohibiting everybody in the Colony, or elsewhere, 'to buy any of the Indian children of any of those captive salvages, without special leave, liking and approbation of the government of this jurisdiction.' "

It were well if the record were no worse; but to all this is to be added the baseness of treachery and falsehood. Many of these prisoners surrendered, and still greater numbers came in voluntarily to submit, upon the promise that they and their wives and children should have their lives spared, and none of them be transported out of the country. In one instance, narrated by the famous Captain Church himself, no less than "eight score persons" were "without any regard to the promises made them on their surrendering themselves, carried away to Plymouth, there sold and transported out of the country." (Church, 23, 24, 41, 51, 57. Baylies, in his Memoir of Plymouth Colony, Part III., pp. 47, 48, gives some additonal particulars of this affair.

I give here another quotation from Mr. Moore to illustrate the Puritan's conscience. "After the destruction of Dartmouth, the Plymouth forces (soldiers) were ordered there, and as the Dartmouth Indians had not been concerned in this outrage, a negotiation was commenced with them. By the persuasion of Ralph Earl, and the promise of Captain Eels, who commanded the Plymouth forces, they were induced to surrender themselves as prisoners, and were conducted to Plymouth. Notwithstanding the promises by which they had been allured to submit, notwithstanding the earnest, vehement, and indignant remonstrances of Eels, Church and Earl, the government, to their eternal infamy, ordered the whole to be sold as slaves, and they were transported out of the country, being about 160 in number. So indignant was Church at the commission of

this vile act, that the government never forgave the warmth and the bitterness of his expressions, and the resentment that was then engendered induced them to withdraw all command from this brave, skillful, honest, open-hearted and generous man, until the fear of utter destruction compelled them, subsequently, to entrust him with a high command. This mean and treacherous conduct alienated all the Indians who were doubtful, and even those who were strongly predisposed to join the English."

Easton, in his Relation, p. 21, says: "Philip being flead; about a 150 Indians came in to a Plimouth Garrison volentarly. Plymouth authority sould all for Slafes (but about six of them) to be carried out of the country."

Plymouth Colony gave Church authority to receive certain fugitives (whether men, women, or children) from the authorities of the Rhode Island government, 1676. He was "impowered to sell and dispose of such of them, and so many as he shall see cause for, there: to the Inhabitants or others, for Term of Life, or for shorter time, as there may be reasons. And his acting, herein, shall at all times be owned and justified by the said Collony."

Nor did the Christian Indians or Praying Indians escape the relentless hostility and cupidity of the whites. Besides other cruelties, instances are not wanting in which some of these were sold as slaves, and under accusations which turned out to be utterly false and without foundation. (Gookin's Hist. of the Christian Indians.)

President Mather (President of the High Court) in relating the battle in August, 1676, the last one of the war, says: "Philip hardly escaped with his life also. He had fled and left his peage behind him, also his squaw and son were taken captive, and are now prisoners at Plymouth. Thus hath God brought this grand enemy into great misery before he quite destroy him. It must needs be bitter as death to him to lose his wife and only son (for the Indians are marvellous fond and affectionate towards their children) besides other relations, and almost all his subjects, and country also."

Edw. Everett, in his address at Bloody Brook, 1835, among other things said: "And what was the fate of Philip's wife and

son? This is a tale for husbands and wives, for parents and children. Young men and women, you can not understand. What was the fate of Philip's wife and child? She is a woman, he is a lad. They did not surely hang them. No, that would have been mercy. The boy is the grandson, his mother the daughter-in-law of good old Massasoit, the first and best friend the English ever had in New England. Perhaps—perhaps, now Philip is slain, and his warriors scattered to the four winds, they will allow his wife and son to go back—the widow and the orphan—to finish their days and sorrows in their native wilderness. They are sold into slavery, West Indian slavery; an Indian princess and her child, sold from the cool breezes of Mount Hope, from the wild freedom of a New England forest, to gasp under the lash, beneath the blazing sun of the tropics! Bitter as death; aye, bitter as hell! Is there anything,—I do not say in the range of humanity—is there anything animated, that would not struggle against this?"

"Ah! happier they, who in the strife
For freedom fell, than, o'er the main,
Those who in galling slavery's chain
Still bore the load of hated life,—
Bowed to base tasks their generous pride,
And scourged and broken-hearted, died!"

Several curious investigators, among them Ebenezer Hazard, of Philadelphia, who died 1817, tried to ascertain the fate of the boy, the son of Philip. Documents were discovered by Nahum Mitchell that showed that the most devoted followers of Christ among the Puritans discussed the question as to whether the boy was to be put to death, and the matter was referred to that celebrated and learned Puritan divine, John Cotton, and Rev. Mr. Arnold, of Marshfield. (We wonder if this were afterward the seat of New England's great prophet, priest and expounder of the Constitution, Daniel Webster.)

Among other things in a very curious discussion of the question by these learned divines, Sept. 7th, 1670, they say: "Our answer is that we do acknowledge that rule, Deut. 24:16, to be moral, and therefore perpetually binding, viz., that in a particular act of wickedness, though capital, the crime of the parent doth not render his child a subject to punishment by the

civil magistrate; yet, upon serious consideration, we humbly conceive that the children of notorious traitors, rebels, and murtherers, especially of such as have bin principal leaders and actors in such horrid villanies, and that against a whole nation, yea the whole Israel of God, may be involved in the guilt of their parents, and may, salva republica," (Latin almost as bad as the logic) "be adjudged to death, as to us seems evident by the scripture instances of Saul, Achan, Haman, the children of whom were cut off, by the sword of Justice for the transgression of their parents, although concerning some of those children, it may be manifest, that they were not capable of being co-acters therein. Signed: Samuel Arnold, John Cotton."

The Rev. Increase Mather, nephew of Cotton Mather, of Boston, also took a hand in the discussion, six years after, that is in 1676. "It is necessary that some effectual course should be taken about him (Philip's son). He makes me think of Hadad, who was a little child when his father (the Chief Sachem of the Edomites) was killed by Joab; and, had not others fled away with him, I am apt to think, that David would have taken a course, that Hadad should never have proved a scourge to the next generation." That is, he was apt to think that David would have gently removed him from this world to the next.

In 1675, Major Waldron, a Commissioner, and Magistrate for a portion of Massachusetts territory, issued general warrants for seizing every Indian known to be manslayer, traitor or conspirator. Under this unlimited order ship masters began to kidnap every Indian along the coast. One vessel lurked along the shores of Pemaquid kidnaping the natives, carried them to foreign parts and sold them as slaves. Similar outrages were committed farther east, as far down as Cape Sable, "who never had been in the least manner guilty of any injury done to the English." For this kidnaping and slave trade there is no record that the offenders were punished.

After the death of King Philip, 400 more of his warriors, who were at perfect peace with the colonies, were arrested, sent to Boston, seven or eight of them, who were known to have killed Englishmen, were condemned and hanged; the rest were sold into slavery in foreign parts.

I will now give some extracts from Mr. Moore's work on the evidence of the existence of the commencement and continuance of slavery in Massachusetts. It has already been shown that in sixteen years after the Pilgrim Fathers landed on Plymouth Rock they built their first ship and christened it "The Desire," which started out at once to the coast of Africa, and returned with a cargo of slaves two years later; that, so far as I have been able to ascertain, was the beginning of the slave trade by the Puritans who had fled from England to enjoy personal liberty and freedom of conscience.

We will skip now to the 18th century, slavery having continued from that date, 1638, so far as Mr. Moore could discover, until the first positive action forbidding it, the 13th Amendment to the Constitution of the United States, in 1866. I give here a few disconnected extracts as valuable nuggets.

Judge Sewall referred to the "numerousness" of the slaves in Massachusetts in 1700. Gov. Dudley's report to the Board of Trade, in 1708, gave 400 as then in Boston, one-half of whom were born there. This fact I mention because some very indiscreet descendants of these Puritan Fathers have maintained that children born in slavery in Massachusetts were free. In 1735 there were 2,600 negroes in Massachusetts. In 1742 there were 1,514 in Boston alone. Mr. Moore says that it is a curious fact that the first census in Massachusetts was a census of negro slaves. In 1754 there were 4,489; in 1764 there were 5,779; in 1790 (by the United States census) 6,001.

In 1700 Massachusetts thought it advisable to legislate against some of her citizens to prevent peonage of Indians. The law of 1700 was enacted to protect the Indians against the exactions and oppressions which some of the English exercised towards them "by drawing them to consent to covenant or bind themselves or children apprentices or servants for an unreasonable term, on pretense of or to make satisfaction for some small debt contracted or damage done by them." In 1725 a law was enacted to prevent those citizens from kidnaping Indians. In 1703 a law was passed against the "manumission, discharge, or setting free" of mulatto or negro slaves. Security was required against the contingency of these persons becoming a charge to the town, and none were to be accounted free for whom security

was not given; but were to be the proper charge of their respective masters or mistresses, "in case they stand in need of relief and support, notwithstanding any manumission or instrument of freedom to them made or given." The Puritans had been in the habit of freeing their aged and infirm slaves to relieve themselves of their support. To prevent this practice, the act was passed. This act was still in force as late as June, 1807, when it was reproduced in the revised laws and continued until a much later period.

In 1703 a law was passed prohibiting Indians, Negroes or Mulatto servants or slaves to be abroad after 9 o'clock at night. In 1705 a law was passed "for the better prevention of a Spurious and Mixt Issue, etc." It also punishes any Negro or Mulatto for "stricking a Christian," by whipping at the discretion of the Justices before whom he may be convicted. It also prohibits marriages of Christians with Negroes or Mulattoes—and imposes a penalty of £50 upon the persons joining them in marriage. The citizens of Massachusetts seemed to have reconsidered the justice of this law prohibiting negroes and whites to marry, as such marriages were practiced almost daily near the outborders. It seems that they had advanced to that stage of civilization where they left that question to be settled by the moral sense of the parties who proposed to be joined in wedlock; just as recently some members of the Methodist Church, North, in Convention in Minnesota, moved to repeal the church ordinance that forbids dancing, attending theaters, etc., and to leave it to the moral sense of the members of the church.

In Pennsylvania, where there were quite a number of negroes, it seems that William Penn proposed to his Council that they do some legislating about the negroes, and a bill was introduced in both Houses "for regulating Negroes in their Morals and Marriages, etc.," which was twice read and rejected, or, as they would have said in the Massachusetts General Court, the bill "subsided." To one but slightly acquainted with the morals of negroes it seems to have been a brave undertaking on the part of the Pennsylvania law makers to regulate the morals of negroes.

It has been said times without number that at the North during the existence of slavery there, mothers and children

were never parted. Mr. Moore says, page 57: "The breeding of slaves was not regarded with favor. The owner of a valuable female slave was to consider what all the risks of health and life were to be, and whether the increase of stock would reimburse the loss of service." Dr. Belknap says that "negro children were considered an incumbrance in a family; and when weaned, were given away like puppies." (Mass. Historical Society Coll., 1, IV, 200.) They were frequently publicly advertised "to be given away."

In 1786 the legislature of the State of Massachusetts passed an "Act for the orderly Solemnization of Marriage," by the seventh section whereof it was enacted "that no person authorized by this act to marry shall join in marriage any white person with any Negro, Indian or Mulatto, under penalty of 50£; and all such marriages shall be absolutely null and void." The prohibition continued until 1843, when it was repealed by a special "act relating to marriage between individuals of certain races." It thus appears that Massachusetts, over twenty years before negroes were freed, threw wide open the doors of her churches, of her courts and magistrates, to negroes and whites to be joined in the holy bonds of matrimony.

In 1727—Mr. Drake says—"the traffic in slaves appears to have been more of an object in Boston than at any other period before or since." In the following year an act was passed more effectually to secure the duty on the importation of negroes, and more stringent regulations were made to prevent smuggling of slaves in the province to avoid paying the duty, and the drawback was allowed on all negroes dying within twelve months. Another act prohibited negro slaves to entertain any servants of their own color in their houses, without permission of the respective masters or mistresses.

In 1718 all Indian, Negro, and Mulatto servants for life were estimated as other Personal Estate—viz., Each male servant for life above fourteen years of age, at 15£ value; each female servant for life, above fourteen years of age, at 10£ value. Mr. Moore adds (page 65): "And thus they continued to be rated with horses, oxen, cows, sheep and swine, until after the commencement of the War of the Revolution." On the same page, Mr. Moore says "the Guinea Trade, as it was called then, since

known and branded by all civilized nations as piracy, whose beginnings we have noticed, continued to flourish under the auspices of Massachusetts merchants down through the entire colonial period, and long after the boasted Declaration of Rights in 1780 had terminated (?) the legal existence of slavery within the limits of that State.'' He then gives a copy of the letter of instructions dated Nov. 12th, 1785, to a Captain of a brig by the owners, who were about to send the Captain to the coast of Africa for a cargo of Negro slaves.

CHAPTER VIII.

SLAVERY IN MASSACHUSETTS.

(Continued)

Before the war of 1861 the press of the North was full of caricatures of the sale of negroes in the South on the block; they would describe how the auctioneer would tell the negro to open his mouth to see if his teeth were sound, show his limbs, turn him around and display his good qualities. I make a short quotation from the instructions given by the owners of the Captain of the brig mentioned in the preceding chapter: "Our orders are, that you embrace the first fair wind and make the best of your way to the coast of Africa, and there invest your cargo in slaves. As slaves, like other articles, when brought to market generally appear to the best advantage; therefore, too critical an inspection can not be paid to them before purchase; to see that no dangerous distemper is lurking about them, to attend particularly to their age, to their countenance, to the straightness of their limbs, and, as far as possible to the goodness or badness of their constitution, etc., etc., will be very considerable objects."

The slaves purchased in Africa were chiefly sold in the West Indies, or the Southern colonies; but when these markets were glutted, and the price low, some of them were brought to Massachusetts. In 1795 Dr. Belknap could remember two or three entire cargoes, and the Doctor himself remembered some, between 1755 and 1765, which consisted almost wholly of children. Sometimes the vessels of the neighboring colony of Rhode Island, after having sold their prime slaves in the West Indies, brought the remnants of their cargoes to Boston for sale.

Page 69. It has been asserted that in Massachusetts, not only were the miseries of slavery mitigated, but some of its worst features were wholly unknown. But the record does not bear out the suggestion; and the traditions of one town at least preserved the memory of the most brutal and barbarous of all, "raising slaves for the market."

Page 70. Mr. Moore gives an advertisement bearing on the subject of non-separation of mother and child. "For Sale, a likely negro woman about 19 years and a child of about 6 months of age to be sold together or apart."

Mr. Moore quotes on page 71 from Froude's History of England, Volume VIII., page 480: "It would be to misread history and to forget the change of times, to see in the fathers of New England mere commonplace slavemongers; to themselves they appeared as the elect to whom God had given the heathen for an inheritance; they were men of stern intellect and fanatical faith, who, believing themselves the favorites of Providence, imitated the example and assumed the privileges of the chosen people, and for their wildest and worst acts they could claim the sanction of religious conviction. In seizing and enslaving Indians, and trading for Negroes, they were but entering into possession of the heritage of the saints; and New England had to outgrow the theology of the Elizabethan Calvinists before it could understand that the Father of Heaven respected neither person nor color, and that His arbitrary favor—if more than a dream of divines—was confined to spiritual privileges."

No servant, either man or maid, was permitted "to give, sell or truck any commodity whatsoever without license from their masters, during the time of their service, under pain of fine, or corporal punishment, at the discretion of the Court, as the offence shall deserve."

Page 105. Mr. Moore says: "The Puritans appear to have been neither shocked nor perplexed with the institution, for which they made ample provision in their earliest code. They were familiar with the Greek and Roman ideas on the subject, and added the conviction that slavery was established by the law of God, and that Christianity always recognized it as the antecedent Mosaic practice. On these foundations, is it strange that it held its place so long in the history of Massachusetts?"

In 1767, James Otis, perhaps the greatest of all the sons of Massachusetts (Webster being born in New Hampshire) delivered an address called "A Protest Against Negro Slavery," which, for a time, shook the moral world in Massachusetts as an earthquake shakes the natural world. John Adams heard the words of Otis, and "shuddered at the doctrine he taught,"

and to the end of his long life continued 'to shudder at the consequences that may be drawn from such premises.'' The views expressed by Otis must have sounded strangely in the ears of men who lived (as John Adams himself says he did) ''for many years in times when the practice (of slavery) was not disgraceful, when the best men in my vicinity thought it not inconsistent with their character.'' If there was a prevailing public sentiment against slavery in Massachusetts—as has been constantly claimed of late—the people of that day, far less demonstrative than their descendants, had an extraordinary way of not showing it. More than a century passed away before all the ancient badges of servitude could be removed from the colored races in Massachusetts, if indeed it be even now true that none of these disabilities which so strongly mark the social status of the negro still linger in the legislation of that State.

I will now present some efforts of legislation in Massachusetts to abolish slavery in that State, and it will be noticed that these efforts did not begin until the Puritans had occupation of Massachusetts for 150 years. The first indication of life in the consciences of Puritans on the subject of slavery that I have been able to find occurred in the little town of Worcester, which in 1765 instructed its representative in the General Court to ''use his influence to obtain a law to put an end to that un-Christian and impolitic practice of making slaves of the human species,'' and that ''he give his vote for none to serve in His Majesty's Council who will use their influence against such a law.'' This appears in a Boston News-Letter. In the same year Boston took a hand in the game ''for the total abolition of slavery among us'' and to prohibit the importation and the purchasing of slaves for the future. In 1767, at a town-meeting, the same course was taken to instruct the representatives.

In 1767 the first movement was made in the legislature to procure the passage of an Act against slavery and the slave-trade. Introduced on the 13th of March. It was read a first time, and the question was moved whether a second reading be referred to the next session of the General Court, which was passed in the negative. Then it was moved that a clause be brought into the bill for a limitation to a certain time, and the question being put it was passed in the affirmative; and it was

further ordered that the bill be read again on the following day at ten o'clock. On the 14th the question was put whether the third reading be referred to the next May session. This passed in the negative, and it was ordered that the Bill be read a third time "on Monday next at three o'clock."

On the 16th the Bill came up and after a debate it was ordered that the matter "subside." (That was the Puritan's soft, euphemistic substitute for the word "lost" or "killed.") But a committee of three was appointed to bring in another Bill for laying a duty of import on slaves imported into the Province. On the 17th that Bill came up. (This was a substitute, it will be observed, for the abolition of slavery in the Colony.) This bill was read a first and second time, and ordered for a third reading on the next day at 11 o'clock.

On the 18th the question was put whether the enacting of this Bill should be referred to the next May session, "that the mind of the country may be known thereupon." (A qualified form of our present day referendum.) This passed in the negative. Then another cautious legislator moved whether a clause should be brought in to limit the continuance of the Act for the term of one year. Passed in the affirmative and ordered that the bill be recommitted. The committee reported the bill to Council on the 19th of March. On the 20th it was read a second time and passed to be engrossed, and sent down to the House of Representatives for concurrence. The members read it and unanimously non-concurred.

And thus the bill disappeared and was lost, that is to say it "subsided." Mr. Moore says: "It was the nearest approach to an attempt to abolish slavery, within our knowledge, in all the Colonial and Provincial legislation of Massachusetts." How bravely the determination to abolish that vile crime of slavery took the field in 1767, and after going through an experience with the legislators, who were instructed to abolish slavery, it came out so battered and hacked that its friends could not recognize it, it being a bill for laying an import on the importation of negroes and other slaves.

In 1771 the subject of the slave trade came up again in the legislature of Massachusetts, and a bill to prevent the importation from Africa was read the first time, the next day it was

read a second time and postponed to the following Tuesday, and on that day the bill was recommitted.

On the 19th another bill to prevent the importation of negro slaves in the Province was read the first time. On the 20th it was read a second time and ordered to be read again "on Monday next, at three o'clock." On the 22nd it was read the third time, and passed to be engrossed. On the 24th it was read and passed to be enacted. It was then sent up to the Council for concurrence. The Council proposed an amendment, which was passed, and sent back to the House; the House considered the amendment, concurred with the Honorable Board therein, and sent the bill up to the Honorable Board. It appeared that this bill was vetoed by Gov. Hutchinson.

In 1773 an attempt to discourage the slave trade was renewed. It will be noted that the efforts to abolish it had dropped out of view. This bill was to prevent the importation of negroes into Massachusetts. The constituents in instructing their representatives to prevent the slave-trade in Massachusetts suggested two ways. First, by laying a heavy duty on every negro imported or brought from Africa or elsewhere into that Province, or by making a law that every negro brought or imported aforesaid should be a free man or woman as soon as they come within the jurisdiction of it, and that every negro child that should be born after enacting such law should be free at the same age as the children of white people are. This discloses further evidence on the question as to whether children born of negro slaves in Masachusetts were free. If they were there was no necessity for the legislature to enact that they should be free at the age of twenty-one.

Other representatives were instructed on the same line.

In 1774 a bill to prevent the importation of negroes and other slaves into this Province was introduced, read, and ordered to be read again the next day. The next day, in the afternoon, the third reading took place, and the bill was passed to be engrossed, when it was sent up to the Council Board for concurrence. On the 4th of March the bill was returned as "passed in Council with Amendments." On the 5th the House voted to concur with the Council, and on the 7th passed the bill to be enacted. On the 8th it received the final sanction of

the Council, and only required the approval of the Governor to become a law. Mr. Moore remarks, "That approval, however, it failed to obtain; the only reason given in the record being that 'the Secretary said (on returning the approved bills) that His Excellency had not had time to consider the other Bills that had been laid before him,' and so the bill 'subsided.' "

Such was the response of the Great and General Court of Massachusetts to the petition of her negro slaves in 1773-74. They prayed that they might be liberated from bondage and made freemen of the community, and that this Court would give and grant to them some part of the unimproved lands belonging to the Province for a settlement, or relieve them "in such other way as shall seem good and wise." Not one of their prayers was answered.

In the first Provincial Congress of Massachusetts, October 25, 1774, Mr. Wheeler brought into Congress a letter directed to Doc. Appleton, in effect as follows: "That while we are attempting to free ourselves from our present embarrassments, and preserve ourselves from slavery, that we also take into consideration the state and circumstances of the negro slaves in this Province." The same was read, and it was moved that a Committee be appointed to take it into consideration. After some debate thereon, the question was put, "whether the matter now subside," and it passed in the affirmative. A resolution passed by the Committee of Safety (Hancock and Warren) in 1775, protested against any slaves being admitted into the army upon any consideration whatever. It was introduced in the Provincial Congress and Mr. Moore remarks "It was probably allowed to 'subside' like the former proposition." The prohibition against the admission of slaves into the Massachusetts Army clearly recognizes slavery as an existing institution.

Deacon Benjamin Colman, of Newbury, Massachusetts, in 1774, says: "And this iniquity is established by law in this province." The same learned Deacon, in a letter addressed to the General Court, says: "Was Boston the first port on this Continent that began the slave-trade, and are they not the first shut up by an oppressive act, and brought almost to desolation, wherefore, Sir, though we may not be peremptory in applying the judgments of God, yet I can not pass over such providence

without a remark." The oppressive act that shut up and brought Boston almost to desolation was nothing but the Embargo Acts made by Congress for the benefit of all the people.

In 1776 two negro men captured on the high seas were advertised for sale at auction in Boston as a part of the cargo and appurtenances of a prize duly condemned in the Maritime Court. This awakened Massachusetts again to a small spasm on slavery, so on September 13th, 1776, it was resolved that a committee be appointed to look into it. A little more than a month after, on October 19th, three members were appointed a committee to consider the condition of the African slaves in Massachusetts. This resolution was concurred in by the Council and a committee was appointed. Mr. Moore says: "We have made a diligent search for further action under this resolution and appointment of the committee, but have failed to discover any trace of it." The matter was probably "allowed to subside" again. On the same day the House passed a resolution "to prevent the sale of two negro men lately brought into this State and ordered to be sold at Salem." It was read and concurred in by Council, Sept. 14th, 1776. In the House of Representatives read and non-concurred and sent up for concurrence. In the Council read and concurred in and sent down for concurrence. In the House of Representatives read and concurred.

CHAPTER IX.

ADAMS ON THE PURITANS.

I am far from claiming that I have read all or even a large part of the declamations at convivial gatherings, or most of the histories and fugitive articles relating to the Puritans. I do not believe any person has ever read one fiftieth of them, not even one preparing to write such a history. It has been asserted on reliable authority that the most widely read book is the Bible, and second to it, The Pilgrim's Progress. Reading places third in the list writings of different kinds and speeches of all kinds exploiting the Puritans. One author is credited with 382 books, pamphlets and sermons on this subject. In all I have read I have not found one fair account of the crimes committed by the Puritans in the name of Christ and for the glory of His kingdom on earth. The panegyrists, by one consent, have been playing the game of literary thimble-rigging for three centuries.

Lookers-on have denounced the trick; some have written it up, but the children who have inherited the ancestral strain, for their own reputations still try to hide the sin by extolling the imaginary virtues of their ancestors.

Not until near the end of the last century was there a break in this devoted filial line of defenders. Not before did even one rise up and "turn State's evidence" and tell the truth. As St. Paul declared himself to be a Hebrew of the Hebrews, one of the strictest sect, so this witness states in his written testimony that he is a Puritan of the Puritans—one descended in the direct line from Cotton Mather, the most distinguished priest of this tribe of Levi, and from Thomas Shepard, another preacher of fame in and for his day. This witness is as distinguished for learning as was Cotton Mather in his generation, and is, in intellect and judgment, the superior of any Puritan of whom we have any authentic account. As Milton says of Abdiel he is "faithful among the faithless—faithful only he."

This honorable Puritan is Charles Francis Adams of Boston, Massachusetts. Having decided to deliver a few lectures to the

students of Harvard University, he chose the story of the Pilgrim Fathers. He began to rummage "over many a quaint and curious volume of forgotten lore," and the further he roamed—the deeper he delved—the more he grew amazed. His own words are best. He told the students.

He delivered four lectures which are now in book form with the title "Massachusetts, Its History and Its Historians," "Apples of Gold in a Picture of Silver." But there is one fly in this precious ointment; still it does not vitiate the healing virtue of the ointment. It bears neither microbes nor bacteria, and indeed, on inspection that need not be close, it is discovered to be like the fisherman's fly—only a decoy for suckers. I quote his words that the decoy may be apparent.

"For the present it is sufficient to say, 'Do men gather grapes of thorns, or figs of thistles? Even so, every good tree bringeth forth good fruit, but a corrupt tree bringeth forth evil fruit. Wherefore, by their fruits ye shall know them.' Can it be possible that we are indebted for all that is good in our Federal and State Constitutions; for freedom of speech, of conscience, of separation of Church and State, and other liberal provisions too numerous to recapitulate here, to a people who unanimously established a theocrary for their government; who enslaved their fellow-man; who decided private causes by quoting the law of the cases from a sentence in Joshua or Judges, or the Proverbs, who hung men and women because they exercised freedom of conscience and did many other abominations just as cruel and fiendish? But, as I have said, enough of this at present. I shall take this up at another time. Suffice it to say, that something must be conceded to a son who, moved by noblesse oblige, volunteers to tell the truth on his ancestors, and claims, in conclusion, some good, some virtue for them, although the claim is overwhelmingly refuted by every Journal of every convention that framed the Constitution of each of the Southern States and of the United States."

I conclude this chapter with some pages from Mr. Adams's lectures, as follows:

MASSACHUSETTS INTOLERANCE.

" 'As the twig is bent, the tree inclines.' The Massachusetts twig was here and there bent; and, as it was bent, it, during

hard upon two centuries, inclined. The question of Religious Toleration was, so far as Massachusetts could decide it, decided in 1637 in the negative. On that issue Massachusetts then definitely and finally renounced all claim or desire to head the advancing column or even to be near the head of the column; it did not go to the rear, but it went well towards it, and there it remained until the issue was decided. But it is curious to note from that day to this how the exponents of Massachusetts polity and thought, whether religious or historical, have, so to speak, wriggled and squirmed in the presence of the record. 'Shuffling,' as George Bishop, the Quaker writer, expressed it in 1703, 'and endeavoring to Evade the Guilt of it, being ashamed to own it; so that they seldom mention to any purpose, even in their histories.' They did so in 1637, when they were making the record up; they have done so ever since. There was almost no form of sophistry to which the founders of Massachusetts did not have recourse then,—for they sinned against light, though they deceived themselves while sinning; and there is almost no form of sophistry to which the historians of Massachusetts have not had recourse since,—really deceiving themselves in their attempt to deceive others. And it is to this aspect of the case—what may perhaps be not unfitly described as the filio-pietistic historical aspect of it—that I propose to address myself. For in the study of history there should be but one law for all. Patriotism, piety and filial duty have nothing to do with it; they are, inded mere snares and sources of delusion. The rules and canons of criticism applied in one case and to one character must be sternly and scrupulously applied in all other similar cases and to all other characters; and, while surrounding circumstances should, and, indeed, must be taken into careful consideration, they must be taken into equal consideration, no matter who is concerned. Patriotism, in the study of history, is but another name for provincialism.

"On its face, the Massachusetts record from November, 1637, when those of the faction which followed Anne Hutchinson were disarmed, disfranchised and exiled, down through the Baptist and Quaker persecutions to the culmination of the witchcraft craze at the close of the seventeenth century, does not seem to admit of evasion. The first decision, and the policy

subsequently pursued in accordance with it, were distinct, authoritative and final,—against Religious Toleration. The policy assumed definite form after the political defeat of Vane in May, 1637. The subsequent banishment of John Wheelwright and Anne Hutchinson, together with the body of their active adherents, was, as a proceeding, indisputably inquisitorial and extra-judicial. The offence, as well as the policy to be pursued by the government, was explicitly and unmistakably set forth by the chief executive and the presiding official at the trial of Mrs. Hutchinson, when Governor Winthrop said to her,—'Your course is not to be suffered; * * * we see not that any should have authority to set up any other exercises besides what authority hath already set up.' Note here again the words 'set up any other exercises.' Then it was maintained, and it has since been maintained, that the persecution in this case was 'not for opinion's sake,' that the magistrates did not 'challenge power over men's consciences,' that the government never claimed any power over men's private opinions;' and, indeed only the Inquisition, as the Holy Office of Catholicism, has gone to this length. But where was the right so distinctly set forth in the edict of Galerius, and which is of the essence of Religious Toleration,—the right 'freely to profess private opinions' and to 'assemble in conventicles without fear of molestation?' The privilege of holding opinions in secret, without ever disclosing them, is of limited value, and one a denial of which it is difficult to enforce.

"But Winthrop's words speak for themselves; and in the subsequent history of Massachusetts the policy set forth in them was maintained and rigorously enforced by frequent infliction of the penalties of banishment and death! The public sentiment behind the policy, and which insured its enforcement, expressed itself in many forms. Now it was in the well known verses found in Governor Dudley's pocket after his death;—

> 'Let men of God in courts and churches watch
> O'er such as do a toleration hatch,
> Lest that ill egg bring forth a cockatrice
> To poison all with heresie and vice.'

Again, in 1647, while the battle for Toleration was waxing hot in England, the Simple Cobbler of Aggawam in America

thus delivered himself: 'My heart hath naturally detested foure things: * * * Tolerations of divers Religions, or of one Religion in segregant shape: He that willingly assents to the last, if he examines his heart by day-light, his conscience will tell him, he is either an Atheist, or an Heretique, or an Hypocrite, or at best a captive to some lust: Poly-piety is the greatest impiety in the world. * * * It is said that Men ought to have Liberty of their Conscience, and that it is persecution to debarre them of it: I can rather stand amazed than reply to this: It is an astonishment to think that the brains of men should be parboyl'd in such impious ignorance.'

"More than thirty years after the Rev. Nathaniel Ward thus expressed himself, the Rev. William Hubbard, the first historian of Massachusetts, a man of whom it was said he was 'equal to any of his contemporaries in learning and candor, and superior to all as a writer,' preached the Election Sermon (1676) at the inauguration of Governor Leverett. In it he said,—'I shall not entertain you with any sharp invective, or declaiming against a boundless toleration of all Religions, lest it should be an insinuation that some here present are inclined that way, which I believe there was never any occasion given to suspect. * * * Such opinions in Doctrine, or professions and practices in Religion, as are attended with any foul practical evils, as most heresies have been, ought to be prohibited by public Authority, and the broachers or fomenters of them punished by penal laws, according to the nature of the offence, like other fruits of the flesh." * * *

"Let me now put on the stand two ministers of the church of Cambridge here, Urian Oakes, afterwards President of the College, and Thomas Shepard, second of the name. In his Election Sermon delivered in 1673, Urian Oakes said,—"I profess I am heartily for all due moderation. Nevertheless I must add, that I look upon an unbounded toleration as the first born of all abominations;' while the year before Thomas Shepard had declared,—'To tolerate all things, and to tolerate nothing (its an old and true maxim), both are intolerable. * * * Yet I would hope none of the Lord's husbandmen will be so foolish as to Sow Tares, or plead for the Saving of them, I mean in the way of Toleration aforesaid, when as it may be

prevented: the light of Nature and right Reason would cry out against such a thing.' So much for Thomas Shepard the son; but I come now to Thomas Shepard the father, first pastor of the Cambridge church. Thomas Shepard is handed down to us by tradition as a divine of gentle character;—pronounced shortly after his death 'a silver trumpet' of the faith; Cotton Mather also declared that 'his daily conversation was a trembling walk with God.' The mind of this man would naturally incline to toleration;—he surely on this issue should have been in the advance of his contemporaries. Yet in his New England Lamentations for Old England's Errors, printed in London in 1645, he expressed himself thus:—'To cut off the hand of the Magistrate from touching men for their consciences will certainly in time (if it get ground) be the utter overthrow, as it is the undermining, of the Reformation begun. This opinion is but one of the fortresses and strongholds of Satan, to keep his head from crushing by Christ's heele, who (forsooth) because he is krept into men's consciences, and because conscience is a tender thing, no man must here meddle with him, as if consciences were made to be the safeguard of sin and error, and of Satan himself, if once they can creep into them.'

"I have cited Urian Oakes, President of Harvard College from 1675 to 1681. He was succeeded by Increase Mather, who was President from 1685 to 1701; and in 1685 Increase Mather thus delivered himself on the subject of religious liberty: 'Moreover, sinful Toleration is an evil of exceeding dangerous consequence; Men of Corrupt minds, though they may plead for Toleration, and Cry up Liberty of Conscience, etc., yet if once they should become numerous and get power into their hands, none would persecute more than they. * * * And indeed the Toleration of all Religion and Perswasions, is the way to have no true Religion at all left. * * * I do believe that Antichrist hath not at this day a more probable way to advance his Kingdom of Darkness, than by a Toleration of all Religions and Perswasions.'

"But it is useless to multiply citations where all are to the same effect. If in the somewhat arid as well as meagre record of Massachusetts seventeenth-century utterances there are any which, subsequent to 1637, favor religious toleration, or breathe

the spirit of toleration, I am not familiar with them, and would much like to have my attention called to them. For, in dealing with such a subject and making general statements in regard to it, the tendency always is to an appearance at least of exaggeration. It is attack and defence; not a holding of equal scales. So in this connection I can only say that, while my investigations in the field referred to have brought to light many expressions on the subject of toleration such as those I have quoted, I fail to remember any of an opposite character. The record is sufficiently full; but it is all one way. And, in the full light of that record, judicially examined and compared with the records of other lands during the same epoch, it is difficult to detect any flaw in the following indictment by George Bishop in his 'New-England Judged.' 'For, this let me say, That tho' more Blood hath been shed, and with greater Executions, and in some sense more cruel, by those who have not pretended to Religion, at least to Liberty of Conscience, from whom no other thing could be expected; * * * yet, from Men pretending to Religion and Conscience; who suffered for Religion and their Conscience; who left their Native Country, Friends and Relatives, to dwell in a Wilderness for to enjoy their Conscience and Religion; from Professors, who have made so much ado about Religion, and for their Conscience, and set themselves up as the Height of all Profession of Religion, and the most Zealous Assertors of Liberty of Conscience; and for that Cause have expected to be had in regard, viz.: because of Conscience and Religion, for Men * * * thus to Exceed all Bounds and Limits of Moderation, Law, Humanity and Justice, upon a People, barely for their Conscience, and the Exercise of their Religion * * * and for you to do it, who yourselves are the Men (not another Generation) which so fled, which so suffered, is beyond a Parallel.'

"The question now arises,—Wherein did they differ in this respect from those of the established churches of the Old World against whose persecutions they so loudly and so properly bore witness?

"But the difficulty with this portion of the early record of Massachusetts—that of the Founders and those prior, we will say, to 1660—is not merely that it is all one way; but, unhappily,

in addition to breathing a strong spirit of intolerance, there runs through it a vein of apology and sophistical excuse, or implied denial, which shows that the fathers of Massachusetts in saying and doing what they did say and do failed to act wholly according to their light. In other words, they knew better. They once had been subjected to persecution,—they were themselves the victims of religious intolerance; and, as is usual with those so situated, they had in that school made rapid advance in the lessons of toleration. Now they were in power and authority; and, being so, they proved themselves no less intolerant than those from whose intolerance they had fled. They were not unaware of the fact. Conscience troubled them as those who suffered from their intolerance wrote down words like these: 'But that which most of all may be the Astonishment and Destination of Mankind is, That (the Spirit of Persecution, Cruelty and Malice) should predominate in those who had Loudly Cried out of the Tyranny and Oppression of the Bishops in Old England and from whom they fled; but when they settled in a place, where they had liberty to Govern, made their little Finger of Cruelty bigger than ever they found the Loins of the Bishops.'

"Throughout the first half of the eighteenth century Massachusetts was an arena of theological conflict; and though a modified form of toleration was in 1780 grudgingly admitted into the first constitution of the State, it was not until 1833,—when the third century of its history was already entered upon, that complete liberty of conscience was made part of the fundamental law. The battle of Religious Toleration had then been elsewhere fought and won; Massachusetts reluctantly accepted the result. So far from winning laurels in that struggle, her record in it is in degree only less discreditable than that of Spain.

"The trouble with the historical writers who have taken the task upon themselves is that they have tried to sophisticate away the facts. In so doing they have of necessity had recourse to lines of argument which they would not for an instant accept in defense or extenuation of those who in the Old World pursued the policy with which they find themselves confronted in the early record of the New. But there that record is; and it will not

out. Roger Williams, John Wheelwright and Anne Hutchinson come back from their banishment, and stand there as witnesses; the Quakers and Baptists, with eyes that forever glare, swing from the gallows or turn at the cart's tail. In Spain it was the dungeon, the rack and the fagot; in Massachusetts it was banishment, the whip and the gibbet. In neither case can the records be obliterated. Between them it is only a question of degree,—one may in color be a dark drab, while the other is unmistakably a jetty black. The difficulty is with those who, while expatiating with great force of language on the sooty aspect of the one, turn and twist the other in the light, and then solemnly assevérate its resemblance to driven snow. Unfortunately for those who advocate this view of the respective Old and New World records, the facts do not justify it. On the contrary, while the course in the matter of persecution pursued by those in authority in the Old World was logical and does admit of defence, the course pursued by the founders of Massachusetts was illogical, and does not admit of more than partial extenuation.

"The man who has suffered from those in authority for opinion's sake must not, when in his turn clothed with authority, inflict for opinion's sake suffering on others; and, if he does so, he and his posterity must accept the consequences. What greater hypocrisy than for those who were oppressed by the bishops to become the greatest oppressors themselves, so soon as their yoke was removed; and the sophistry to which the representative Massachusetts divines had recourse in reply was no less sophistry then and to them, than it is to us now. On the pleadings they stand convicted. So much for the early clergy. As to the magistrates, in the mouths of James I. and Charles I., —of Philip II. of Spain or Louis XIV. of France, the words—'We see not that any should have authority to set up any other exercises besides what authority had already set up,'—these words in those mouths would have had a familiar as well as an ominous sound. To certain of those who listened to them, they must have had a sound no less ominous when uttered by Governor John Winthrop in the Cambridge meeting-house on the 17th of November, 1637. John Winthrop, John Endicott and Thomas Dudley were all English Puritans. As such they

had sought refuge, from authority, in Massachusetts. On what ground can the impartial historian withhold from them the judgment he visits on James and Philip and Charles and Louis? The fact would seem to be that the position of the latter was logical though cruel; while the position of the former was cruel and illogical."

CHAPTER X.

THE SITUATION IN 1860-61.

I will now give the social and political situation in the States called the United States in 1860-61. To do this it will not be necessary to track the Puritans in England before they first took flight to Holland, nor to notice much of their devious conduct while sojourning there. What they did in Holland has no direct bearing on the issue between the North and the South, but the animus that controlled them in some of their deliberate actions for two hundred and fifty years, and entered into their treatment of the people of the South, must be noticed. One transaction illustrates this animus. It was the petition in which Brewster and Robinson, two of their greatest and most pious leaders, lied to King James by saying in plain words they subscribed fully to the Faith of the Established Church—from which they fled to Holland and which Faith they kicked into the fire as soon as they landed at Plymouth. Nor would I but for the animus stir the malodorous horrors that fill their

> "Pleasant valley of Hinnom. Tophet them
> And black Gehenna called—the type of hell,"

wherein the sainted Puritan priests of Moloch sacrificed on the gallows with impartial hand captured Indian warriors; Indians not captured; old women, their neighbors and of their own blood and faith; children (girls) of their own blood, too young to understand religious faith, but old enough, said the Puritan priests, to be midnight associates of and revelers with the Devil, riding old women in the air, and to learn how to become adepts in all the deadly magic of witchcraft; Quakers who made noisy demonstration, whereas the Puritans' insanity on religion made them sullen, silent, and brutal, and as the two—the boisterous and silent—could not worship acceptably to the Puritans' confidential God together, the Quak-

ers were hanged to make them keep silent. These few pastimes of the Puritans are mentioned that the reader may have just here a glimpse at the nature of the people the Southern States entered into partnership with in 1787. No argument is needed to show their lamentable deficiencies, their insanity on religion, their avarice, their readiness to force every obstacle out of their way, whether animate or inanimate, mental as convictions, or spiritual as religion; whether professions of love, of personal liberty, or of friendship and personal honor; all of which, and more to be told hereafter, had to go down before that one insatiable craving—avarice!

This chapter is written to demonstrate, not to the Puritans nor their allies in the Abolition War—whether they be the serfs they raked from the expanse of Europe, or their three hundred thousand stolen negro-slaves and compatriots, or the foreigners already on the soil, who, knowing nothing of personal liberty at home, nor of the nature of the government whose blessings they had come here to enjoy, were inveigled into the ranks of war by false cries of "Rebellion!" "Treason!" "Save the Union!" sugared by big bounties and seventeen dollars and fifty cents a month—no, not to them, but to demonstrate to that vast body of statesmen whose seats are high, as they overlook the ruling nations of the earth and, by Wisdom and Justice, keep the world in balance, and whose great ancestors, starting with one fundamental principle—"the rights of man in the state of Nature"—and making it the corner-stone, pillar after pillar, pedestal, column, pilaster, architrave and dome, so expansive and secure that under it all nations of the earth that do justice and love mercy, are asesmbled, and where the least among them is as great as the greatest. These are the rulers—the noblemen who, when they enter into a solemn covenant to the good faith of which they "pledge their lives, their fortunes and sacred honor," abide by it forever; who, when they covenant that anything alive or dead is property, never, by slipping in like negroes to a henroost, violate their oaths by stealing it; who, when they enter into a covenant, never plead a century after, as an excuse for breaking it, that they found a "Higher Law;" who, when confronted with a covenant entered into by their fathers but a generation past,

do not dishonor their fathers who died to bequeath to their sons freedom and wealth, by charging them as fools and knaves for entering into a compact that is "a covenant with Death and an agreement with Hell" and then making war on the other party to that covenant and, after applauding their fathers for denouncing King George III for employing Indians to butcher them, stealing negro slaves they sold to Southern masters and enlisting two hundred thousand in their army to murder their masters and families.

I said in the first chapter I was not writing this book to convince the Puritans; that I care nothing for their opinion. I am writing to reach the statesmen referred to above; and yet not so much for them as for the youth of the Southern States, that they may know the truth and do honor to their fathers who were in the right in every dispute with the North from 1790 to this date. This I declare not in a spirit of boasting, for, should I ever descend to that grade, I shall look for some cause much more creditable than being in the right in any controversy with Puritan fanatics. I would not do so if I did not have the proof to make good the assertion.

After the thirteen States had won their freedom and each, by name, had been acknowledged by Great Britain to be "Free and Independent," for reasons needless to be repeated in this connection they saw the necessity for uniting and acting together for their "common defense and general welfare." They agreed to create a common agent to represent them abroad in all matters international, and at home in the exclusive exercise of a few of the powers common to each State. But several obstacles at home were in their way. One was negro slavery in nearly all the States; another was the conflicting interests of the commercial and the agricultural States—there being about half in each group.

During 150 years the Puritans, all settled in New England, had been rivals of Spaniards, Portuguese and English in the African slave trade. Massachusetts was the queen bee in the New England hive, engaged in gathering this honey in Africa. She built the first American slave ship in 1636 and received the first cargo of negro slaves in 1638. The profits of the trade were irresistibly seductive to the avarice of the Puritan.

It overcame and subdued his virtue that had paraded through England and Holland proclaiming personal liberty and equal rights for all men. When Avarice had brushed off the veneer (stripped off that mask of the hypocrite and he was openly exposed), he decided not to wear the shame without deserving the blame, and he fell to building slave ships as a business. This progressed until at one period the little village of Newport was the haven for 150 slave-trade vessels. Every colony was stocked with negro slaves. From Delaware to Georgia each State was indebted to New England for slave labor.

And even this diabolical traffic, whose continuous phosphorescent wake across the Atlantic rivalled at night the glow of the Milky Way, and planted mile stones along that watery wilderness with negroes murdered in "The Middle Passage," Puritan historians have vainly striven for a hundred years to fasten on foreigners and the Southern States. To the baseness of the subterfuge of this lame attempt to flee from Justice there was one notable exception. He was New England's shield, Protector—the Great High Priest and Prophet at whose feet she knelt and prayed "Give us this day our daily bread."

CHAPTER XI.

DANIEL WEBSTER.

The more we know of biographies of our great men, the better we understand our history. In fact, the world has but recently learned that history is biography multiplied. The third chapter, Vol. I., of Macaulay's History of England, has taught us how to write the complement to history. Who, after finishing the reading of a volume of Ancient History, has not felt as he laid it down as tho' he had been stuffed with trash and sawdust. Take, for instance, the stories we have been told of the world's greatest intellectual wonder—"The Blind Old Bard of Scio's Rocky Isle." He has been held on stationary exhibition for thousands of years as a Cosmic Santa Claus, decorated from head to heel with marvelous gewgaws, the gayest ribbons and sweetest bonbons, to be handed out to each succeeding generation to delight its babyhood. It is true that he lived in an age of what we call "fable," when history was scarcely written; when no less than seven cities claimed his birthplace, but it is too much for human credulity to be told that this blind old man had caught floating on the air a thousand fugitive legends, not one any more connected with the others than is a story of the Arabian Nights with one of St. Paul's epistles; and that, with the power of a magician, he wove them together, changing and reordering to give them form, expression and continuity, until they appeared in all the silken tapestry and beauty of the Iliad and the Odyssey.

During thirty-five years of his life the opinions of Daniel Webster had a very marked influence on all the separate States, and on the political action of the people in the Northern States. In both relations—the States and the people—that influence produced results disastrous to the entire country. As usual, the good lies buried with his bones—the evil lives after him. A critical study of this one life affords more material for an understanding of that part of our history than does the biography of any other man; and the actual time occupied in

expressing the opinions that worked the evil was less than one day. The first event was his argument in the celebrated case of The Dartmouth College vs. Woodward; and the second was his reply in the United States Senate to Robert Y. Hayne. The third was his reply to John C. Calhoun. No single argument has had such far-reaching and disastrous effect on property rights of citizens of the United States as Mr. Webster's in the Dartmouth College case, and no single speech has ever instigated and hastened such widespread devastation and ruin in any country, in any age, as the one delivered in reply to Hayne. He delivered very many speeches and addresses on a variety of subjects, but these three are the chiefest. They stand out as bold, lofty promontories on the current of his life. The only other speech I shall review is his valedictory to his ruined country on the 7th of March, 1850, when, with the courage of a martyr calmly viewing the kindling of the fagots that are to consume him, he rose in the Senate and offered himself a willing sacrifice on the altar of his country, in atonement for the wrong he had done her in the same Council Chamber where resounded the echoes of his speech of January, 1830, just twenty years before. But, this farewell address did his country no harm, whereas the injustice of the Dartmouth speech runs on in perpetuity, and the evil of the replies to Hayne and to Calhoun bore their first national curse in disunion, war, fraticide and perpetual enmity. All his other speeches were incident to temporary occurrences and recurrences—such as men in public life in America are often called upon to make. I do not now recall one speech (excepting the three named) that survives to bless or to plague our country.

His position as a debater is in the front rank of every age and every country. As a speaker he was strong, attractive, convincing. Being by association a federalist, he took up with joy and wore with ease the massive armor that fell from the gigantic figure of Alexander Hamilton, when the vicious bullet of Aaron Burr snuffed out that brilliant but baleful light. But, as oratory is understood by Americans, Mr. Webster was not a great orator. At no time was he like Demosthenes attacking Philip, or Cicero assaulting Catiline, nor had he Sheridan's electric flashes when playing around and peeling Warren Hast-

ings. Nor was he such an orator as George Whitefield, William Pinkney, Wm. Wirt, Patrick Henry, Seargent S. Prentiss, Wm. C. Preston, Geo. F. Pierce and many others. His style was not attractive; it did not beget imitators as did those I have named —especially Pierce and Whitefield. He lacked Demosthenes's definition of an orator—"Action! Action! Action!" While speaking he usually kept his left hand under his coat-tail, and rarely gesticulated with his right hand. In fact, he not only did not study nor practice any of the graces, or vocal efforts, of oratory, but he ignored them. He seemed absorbed by his subject. He had none of the facial and gesticulatory interpretation that convey to hearers the delicate shades of meaning that tone of voice and the power of words can not convey: the art that assimilates nature and which is the gift of every great orator and actor.

Oratory as popularly understood by English speaking people was not a gift to the Puritans. From the first appearance of the Puritans above the horizon in England to the Revolution of 1776, there were no orators of national reputation among them. Poets are born, orators are not. Oratory is a social development; there must be instigation—a prevailing stimulus that arises from environment. No man orates in solitude to the wilderness. Demosthenes practiced on the seashore, but his audience was waiting in Athens. Abstract oratory springs from the emotions of the speaker and goes directly to the emotions of the hearer. It does not move through reason to the emotions; it is independent of reason. Oratory in the concrete seizes both reason and emotions and directs them at will.

It is more than doubtful whether Mr. Webster, with the assiduous study of a life time, could have made himself a great orator. He was of ponderous physical mold. His features were heavy, immobile, and when at rest, stern and almost saturnine. This he might have modified, but he could not have overcome the impress on his nature made by the circumstances surrounding his birth and his education. If not a Puritan by descent, as is claimed, still his ancestors had lived in New England so long that they were Puritans in faith, in habits, in practice, temperament and religion.

During the century of Puritan occupation in England, before their migration to America, according to their account, there was oppression more than enough to have produced many orators. But their records are barren of orators.

As no orators were propagated among the Puritans in England or Holland, during the religious and civic heat and ferocity that followed the Reformation, it was not to be expected that any would be begotten after the migration to America, where civic strife and religious ferocity were improved upon by imprisonment, the pillory, the cat-o-nine-tails, starving and the Tyburn Gibbet. That gibbet, be it ever remembered, was not to break the necks of men and women for murder, but to hang neighbors and friends because they could not believe an impossible creed—a creed that in the century from 1775 to 1875 was battered into pulp in New England by the "apostolic blows and knocks" of the children of the Puritans who murdered their neighbors for nonconformity to it.

The latest Northern opinion of note, and one ex cathedra, on Mr. Webster as an orator is by the Rev. B. F. Tefft, D. D., L. L. D., in his preface to a recent volume containing eleven speeches by Mr. Webster which Dr. Tefft considers to be the greatest of the many he delivered. He says:

"It is to be hoped that his style of elocution—calm, slow, dignified, natural, unambitious, and yet direct and powerful, will take the place of the showy, flowery, flashy, fitful and boisterous sort of speeches which seem to be becoming too common; which so breaks down the health of the speaker, and which is nevertheless most likely to strike the feelings and corrupt the judgment of the young, * * * I have never heard Mr. Webster, even when most excited, raise his voice higher or sink it lower, or utter his words more rapidly than he could do consistently with the most perfect ease. He never played the orator. What he had to say he said as easily, as naturally and yet as forcibly as possible, with such a voice as he used in common conversation, only elevated and strengthened to meet the demands of his large audience. So intent did he seem to be, so intent he certainly was, in making his hearers see and feel as he did, in relation to the subject of the hour, that no one thought of his manner, or whether he had

any manner, until the speech was over. That is oratory, true oratory, and it is to be hoped that the more general distribution of these masterpieces will have the ultimate effect of making this the American standard of oratory from this age to all future ages."

Dr. Tefft's opinion of oratory and of orators, I am sure will not be approved by any Southern man. On the contrary, the facts he gives will convince all that Mr. Webster was not an orator. He, like Mr. Calhoun, was a reasoner, a logician; neither was gifted, as all orators are, with strong imagination. I doubt, from Dr. Tefft's opinion of oratory, that he ever heard an orator. A noted orator from a Southern State spoke in New York City one night about 1837. Two preachers, having heard how he could hold an audience, agreed to hear him. When they arrived at the door of the hall, one said, "Let's look at our watches and time him." At that moment the speaker uttered his first sentence. He spoke two hours. When he closed, the preachers were standing at the door with their watches in their hands, as when he began. Captivated by the first words, they had forgotten to sit down or to pocket their watches. When this orator—Seargent S. Prentiss, of Mississippi—as contestant for a seat in the House of Congress, by permission of the House delivered his speech, the Senators, without formal adjournment, went to the House to hear him. Daniel Webster was greatly interested. As he listened, a Senator by him said: "Mr. Webster, did you ever hear anything equal to that?" "Never!" Webster replied, "except from Prentiss himself."

Dr. Tefft resides in a region where true oratory has been unknown since the day of James Otis. It was suffocated by Puritanism, fanaticism, commerce and avarice. It cannot survive a day in pawnshops, factories, whaling vessels and slave traders. The Puritan's eloquence was and is "the parcel of a reckoning." In the effectiveness of that vocabulary he has no superior, if any equal.

In presenting this view of Mr. Webster as a speaker, I accord to him ability equal to that of any other American statesman. I wish to save American youths from being led astray by the false ascendancy imputed to Mr. Webster by a

gentleman whose honorary titles alone of D. D. and L. L. D. might induce the untutored mind to accept the learned Doctor's view of oratory and of what makes an orator.

With the data now in hand, we can consider Mr. Webster as orator, statesman, citizen and patriot. When Doctors differ, laymen are at sea. And among Mr. Webster's intimate acquaintances and personal friends there is a wide difference of opinion on his position as an orator. This disagreement is accountable for on two grounds: First, the capacity of these judges to decide what is oratory, and, second, the extent of their acquaintance with orators. They all assign Mr. Webster to the highest position as an orator, but when they go into details and describe his style of speaking, they leave him as a great debater only. This no one can deny, that, as a logician he has had few superiors. Logic, however, is but one of the elements of oratory, and one of the least. The speaker who by cold logic alone reaches the judgment, is in no sense an orator. This effect may be produced by the essayist, by the Judge by his judicial opinion, by the lawyer addressing a court on a question involving the Rule in Shelly's Case, by the blacksmith over his anvil. Passion in its broadest sense—deep emotion—conviction—"action—action—action" — imagination —easy and apt expression by word, face and gesture—are the chief elements and gifts of a great orator. A full, sonorous, well modulated voice is a most effective adjunct, but not a necessity to an orator.

All biographers of Mr. Webster are of opinion that he was a great orator. Some rank him with Demosthenes, Cicero, Lord Chatham (Pitt) and Burke, and say he has no equal in America. But when they describe him while speaking, the description falls short of this opinion, or proves there are "many men of many minds" as to what oratory is. Henry Cabot Lodge, one biographer, declares that Mr. Webster was deficient in "creative imagination"—a fact patent in all his speeches. This clips the wings which are as necessary to an orator as to a poet, though not to the same degree. Another biographer says Mr. Webster seldom gesticulated, and then with the right arm. The latest biographer (1911) Sydney George Fisher, Ltt. D. L. L. D., devotes a chapter to Webster's "eloquence." He

draws a comparison between Webster, Burke, and Lord Chatham, but it is not as orators, but as stylists. He ranks Webster among the few greatest orators, but he fails to characterize his oratory. His quotations from several speeches do not describe the orator. They show his thoughts and his ability to clothe them in gorgeous apparel. Oratory consists of two essentials—first, the mental operation, and, second, the physical delivery, which includes voice, tones, gestures, facial expression and action. Briefly described, oratory consists of manner as well as matter. The mental product is all that Dr. Fisher considers. Edmund Burke was not a great orator. He emptied the House of Commons, but as a rhetorician he has no equal. Richard Brinsley Sheridan had not the magic wand of Burke to summon the tropes, similes and metaphors from the mind's vasty deep that came in royal array at his bidding, but on the trial of Warren Hastings for despoiling the Begums in India, the address of Sheridan before the House of Lords was incomparably more powerful than the speech of Burke. In fact, that greatest master of the English language pronounced Sheridan's speech as the grandest oration that was ever uttered by human lips. And the world, with deliberate judgment, has affirmed that opinion.

But it is waste of time and words to discuss with any son of New England the status of Daniel Webster as an orator. When she "makes up her mind" on any question she is "sot." (I beg to say I am indebted for that euphonious classicism to our most admirably amiable President* who for years has been running to and fro over the land that ballots might be increased, and dropping, like the good little girl blessed by the good Fairy, whenever he opened his mouth, precious gems among vast multitudes of the Faithful. I recall at present but one other instance of such delicious verbal extravagance. It was a peroration to a lofty imaginary, eloquent flight by the same orator, ending in the brilliant burst, "I will now get down to brass tacks." As the subject under consideration is oratory of the highest order, I make no apology for the introduction of those two appropriate classical gems.)

* Mr. Taft.

There is a way open to settle forever and beyond cavil the question whether Daniel Webster was one of the world's few great orators. It is a quasi judicial procedure. New England contends that he is. She holds the affirmative and has proclaimed it lustily since 1830. When a plaintiff goes into court he is supposed to make the strongest statement of his case that the facts will afford. It is fair, therefore, to assume that New England, through her many biographies of Webster has exhausted her accumulation of proof to raise him to the highest pinnacle as an orator. But to get a decision of a court there must be law as well as facts. Neither is of any use without the other. There must be a standard by which to judge oratory. The standard, if there be one, is the law to be applied to the facts before judgment can be rendered. Lack of this standard is the cause of dispute. Each man has his own standard and that is the law he applies, and gives judgment. If the law—if the true standard—could be found, the law that neither plaintiff nor defendant (the public in this case) could object to, a correct judgment could be arrived at readily. Fortunately for all parties concerned the law that controls the case is in hand. It is law that New England can not question. That is about the most hazardous declaration any man can make, in view of her action in church and State for three hundred years. Nevertheless, I shall let it stand; I should have said I will not question it, because it is the law as expounded by her greatest son, her wisest statesman, her strongest intellect, her greatest orator, her dearest idol—excepting one only, the man, John Brown, whom New England deified in 1859. In the opinion of New England, there has lived but one man whom the description here given could possibly fit, and he was Daniel Webster. In that surmise she is correct, for he announced the law of oratory and eloquence in his eulogy on Jefferson and Adams, as follows:

"Clearness, force and earnestness are the qualities which produce conviction. True eloquence, indeed, does not consist in speech. It can not be brought from far. Labor and learning may toil for it, but they will toil in vain. Words and phrases may be marshaled in every way, but they can not compass it. It must exist in the man, in the subject, and in the occasion. Affected passion, intense expression, the pomp of declamation,

all may aspire after it; they can not reach it. It comes, if it comes at all, like the outbursting of a fountain from the earth, or the bursting forth of volcanic fires, with spontaneous, original native force. * * * The clear conception, outrunning the deductions of logic, the high purpose, the firm resolve, the dauntless spirit speaking on the tongue, beaming from the eye, informing every feature, and urging the whole man onward, right onward to his object—this, this is eloquence, or rather, it is something greater and higher than eloquence, it is action, noble, sublime, godlike action."

Those who doubt can lay side by side Dr. Tefft's description of Webster's oratory and Webster's description of oratory, and decide whether there are any two features alike. Dr. Tefft says: "Webster as an orator was 'calm, slow, dignified, natural, unambitious.'" Webster's idea of oratory: "It comes, if it comes at all, like the outbursting of a fountain from the earth, or the bursting forth of volcanic fire with spontaneous original native force."

CHAPTER XII.

MORE AS TO WEBSTER'S ORATORY—SOME OF HIS FAULTS.

I have said that the error in assigning to Mr. Webster the station of first orator in America may be due to two causes—first, the incapacity to decide what is oratory, and, second, the extent of the acquaintance of these judges with orators. Without assuming any superior judgment on the question of oratory, I will submit my reason for that remark. It is a fact that no one who is well informed on the debates in Congress, on the hustings and on the sermons in the pulpit from colonial days to 1861, will deny that the most effective orators were Southern men. The strongest statesmen were also Southerners. The reasons for this are obvious. The men of the North, as a rule, were men of affairs, were merchants, traders on land and on seas. They thought then, as now, in dollars and cents. This, in part, was from necessity. The climate was severe; the working days were few as compared with the seasons in the South; living was strenuous, and arithmetic was more attractive than rhetoric. When they put their tools aside, stopped their plows in the furrow, or laid down the yard stick, to listen to a talker, they insisted on hearing something besides gab, something that would pay, that could better their condition. Again, in the main, they were Puritans. The ruling classes were Puritans. And as their history shows, they were actuated by two controlling forces, one religious fanaticism and the other insatiable avarice. Those who were not Puritans, if they escaped the virus of fanaticism, by association and absorption contracted the vice of greed for gold. It was the latter that drove them to the high seas as whalers, and, especially, as hunters of negroes in Africa to sell them as slaves to whomsoever would pay the price. These occupations were not stimulants of the most effective of human agencies—oratory. They were not a hot bed to sprout young orators.

There was another reason for the deficiency of oratory in the Northern or free States. It was the depressing effect on the mind and the emotions of Puritanism. Its repellent asceticism, its sullen serenity, its religious fanaticism, its tyrannical espionage over family relations, its sanctimonious precisianism, its inquisitorial constabulary, its Sabbatarian Arctic atmosphere, and pharisaism, were more than enough to freeze all emotions in the bud, and to repress every form of eloquence. But of all agencies for stifling any growth of oratory, the worst or most effective were the sermons in the Puritan "meeting house" on the Sabbath. Attendance was compulsory on fathers, mothers, children, bachelors, spinsters, widowers and widows. This was the chief duty of a Puritan, and failure to perform it was punishable by fine, or, in default of payment, with imprisonment, and, in some instances, with banishment, or sentence by the High Court to slavery for life among negro slaves in the Barbadoes or West Indies. This condition was about as conducive to eloquence as wearing the bilbo, or standing in the pillory, all of one day in every week.

But there was another ordeal the young victims were forced to undergo, to which, in comparison, the sweat-box was equal to a watermelon patch to a negro. This was the style of oratory and the matter of the long-winded sermons seasoned with brimstone and hellfire, and that grated on their nerves from four to six hours every Sunday. For more than a century after Plymouth Rock succeeded the Tarpeian Rock in its bloody sacrifice, there was not a preacher in the entire Puritan hierarchy who could be classed as an orator, nor was there a layman an orator until the soul of James Otis was set on fire by the rising flame that produced the conflagration of 1776. The pulpits were filled by dialecticians, by didacticians, by exegetists, by scholiasts, commentators, expounders of Scripture, egotistic bigots, ignorant aspirants to be expositors and elucidators of St. Paul's metaphysics. And the popular discourses, or compositions, were on the abstruse puzzles of the doctrine of Election, Salvation by Faith, Salvation by Works, the Mystery of the Triune Godhead, Original Sin, Mankind's Total Depravity, Baptism, Witchcraft, a Personal Devil, Hellfire, Eternal Damnation, et id omne genus. The Personal Devil

with horns, hoofs and tail was the popular Caliban chained in every pulpit, ready like Jack-in-the-box to be sprung after the affrighted audience had been scorched by the burning brimstone into hysterics. He it was who bought the souls of women and young girls with the Black Shilling, and then changed them to witches. While young and old were held fast to the benches by the fear of ten shillings fine, and were compelled to listen to what they could not understand and what the preachers did not understand, a guard with a staff in hand was stationed so he could see all faces, and if any one smiled, or whispered, or was fidgety or had to scratch, the guard would march across and tap the offender with his badge of authority as a warning not to repeat the offense. This theological glacier covered New England for more than a century. Under its arctic breath not even the lichens of oratorical growth could take root. Then came, early in the eighteenth century, Jonathan Edwards, who, standing on the solid glacier prepared for his coming, with the commission of an angry God in his hand, lifted the lid off the seething, roaring, boiling, brimstone billows of Hell for his panic-stricken hearers to see their certain destination and doom. Listen to his wrathful denunciation a moment before we pass on:

"The bow of God's wrath is bent, and the arrow made ready on the string, and Justice bends the bow; and it is nothing but the mere pleasure of God—and that an angry God, without any promise or obligation at all—that keeps the arrow one moment from being made drunk with your blood. The God that holds you over the pit of Hell—much as one holds a spider, or some loathsome insect over the fire—abhors you and is dreadfully provoked. His wrath towards you burns like fire. He looks upon you as being worthy of nothing else but to be cast in the fire. He is of purer eyes than to bear to have you in his sight; you are ten thousand times more abominable in His eyes than the most hateful venomous serpent is in ours." (Sermon "On Sinners in the Hand of an angry God.") An eye witness said that the hearers of Edwards were so frightened that they trembled, turned livid, and clutched the benches and each other from fear of falling into Hell.

It is scarcely presumptuous in any one to entertain the opinion that even the most learned scholars with a line of Puritan ancestors extending through three centuries, with such an environment as I have imperfectly described; with such a succession of cold, unimpassioned ascetic preachers, who, therefore, have not had the opportunity to hear great orators, are as well qualified to sit as judges on the question of true oratory as others who have heard year in and year out such orators as Henry Clay, William Pinkney, William Wirt, William C. Preston, Seargent S. Prentiss, and many, many more like them.

Mr. Webster, coming less than a quarter of a century after Jonathan Edwards passed away, and being of a Puritan stock by whom but one great orator, George Whitefield, had ever been heard; never having heard a master of elocution until he entered Congress, when he was thirty years old, after his own delivery had become seasoned and set, could not wholly escape the repressive influence of the stereotyped, tricentary mediocrity that surrounded him like the encasing air. We hear this influence in his "slow, calm, dignified elocution," in his "conversational voice," in his neglect of gesticulatory interpretation, in his lack of facial expression, except what was the gift of nature in his luminous eyes. We see it in his "practice before the glass," so to speak, as when his son, Fletcher, saw him—while angling in a brook—advance his right foot, raise his eyes heavenward and—his right hand pointing up—declaiming: "Venerable men! You have come down to us from a former generation;" or we know it by his constant revision of all his speeches after delivery, expunging here, adding there, striking Latinities and inserting Anglo-Saxonisms, so that no speech exists today as he delivered it. We know his deficiency in what Senator Lodge calls "creative imagination." He was a mighty reasoner; master of words with his pen, after deliberation, but not when on his feet, as was Prentiss, who, all that heard him agreed, spoke no word that could be improved by the use of another. Mr. Webster's great power was in his almost infallible logic; in his earnestness of manner, and his clear distinct enunciation, and his deep, mellow voice.

Every country or government of distinction in history has had separate periods that were so different that they have

been known by appropriate names. Greece had her heroic age and her golden age under Pericles. Rome had her colonial, her conquering and heroic age, and then her golden age under Augustus. Our Government had first its moral and patriotic age, next her combative, intellectual age, and last her age of lawlessness, greed, graft and immorality. To be explicit I will add that, for about a quarter-century after the Revolution, the electorate chose their public servants for their personal honor, patriotism and fidelity, and not for intellectual ability. They preferred an honest common-place to a brilliant knave. But this decision was greatly modified by the constant agitation by the Abolitionists that grew worse every year, who pelted Congress every December with petitions demanding the abolition of slavery—an act not within the power of Congress to do, as those fanatics were told a thousand times without abating their insane conduct a minute or a line. This quarter-century was around the year 1810. Soon the war of 1812 was brewing, and the refusal of Massachusetts and other New England States to honor President Madison's call for troops intensified the sectional feeling the fanatical Abolitionists had been inflaming for twenty years. It was about this period when the voters, North and South, began to think more of ability in their Congressmen. At this time New Hampshire discovered Daniel Webster and sent him to Congress; then he moved to Boston and she sent him to Congress and kept him in the Senate until 1841. In 1816 the tariff loomed up with portentous proportions. In 1820 a new danger to the Republic alarmed all patriots when the Missouri Compromise had to be adopted by Congress—that admittedly had no jurisdiction over the question involved—to insure the public peace.

So far we have been looking at Mr. Webster's strength. That justice may be done and history not be made to speak falsely, we must note his weaknesses. He had some venial faults, some very grievous. The venial are the common heritage of mankind and we need not dwell on them, but it is the duty of all dealing with biography to bring to light the faults as well as the virtues of those of whom they write. Biography has a twofold purpose; one is to encourage and to stimulate coming generations to pursue virtue, and the other is to warn

them to shun vice. While I am not writing biography, there are certain qualities and conduct of Mr. Webster that lie directly in the path I am on, and cannot be avoided. With his admirers and extollers at the North, Mr. Webster for thirty years, ending March 7th, 1850, was Ajax carrying, supporting and defending single-handed the Constitution and the Union, and was held aloft above all Southern men as a model for youth and manhood. He was Sir Oracle, Priest, and Prophet; he was infallible. I have shown that he was a descendant through many generations of the rough, uncouth, thorny Puritan stock. Although he was built on too large a scale intellectually to tolerate the Puritan's superstitions and ungodly religion, yet he did not escape the social uncouthness inherent to Puritanism. It was his environment; it stuck to him under all the refinements, etiquette and courtesies of Washington society. While Secretary of State, when ladies called on business to see him, he did not offer a chair, but kept them standing. He was gentle by nature, but the Puritan rough bark was never rubbed off nor smoothed down. One of his grievous faults was insensibility to the obligation of debt. By consensus of all civilized and semi-barbarous peoples, this fault is one of the worst; for, although not criminal, there is no grade of offense that lies between it and cheating and swindling; so close are they that, to avoid one the offender must move into the other. This moral insensibility envelops ingratitude, selfishness and indifference to the legal rights, comfort, pleasures and welfare of creditors and their families.

An incident in the life of Mr. Webster has been repeated in a journal within a few months past. It was this: "Henry Clay, who was of the same breed of debtor, but not a thoroughbred like Mr. Webster, went to Riggs's Bank in Washington to get a loan on his own note of $250.00. He was told that by the rules of the bank he must get an endorser. He asked Webster to endorse, who gladly agreed to "oblige his friend." "By the way, Clay, I want $250.00 right now. Can't you make the note for $500.00?" "Certainly!" said Mr. Clay, "glad to help you out." The note was made for $500.00, and the bank lent the money and holds the note now "in memory of the deceased." Mr. Webster was always careless with

money. He, on one occasion, had read a law report he wished to use before a court. He desired to mark the page; there was no loose paper near, and after looking around him, he felt in his vest pocket, took out a $5.00 bill and put it at the page. It turned out that he did not use the decision, and the bill remained in the book and was found after many years.

There are those who do not consider this indifference to debt a very great deficiency in Mr. Webster's character. This is because they are deficient in the same spot. Every community has Dick Swivellers whose debts make of them cowards and they avoid certain streets in order to dodge their creditors; also Harold Skimpoles who have no sense of the value of money. Mr. Webster was not driven into other streets, like Dick Swiveller, to dodge creditors, as he received in fees large sums, but, like little Harold Skimpole, he did not know the value of money, and could not keep it. He must have been a Mr. Micawber in the flesh in one respect. When Mr. Micawber signed one of his hundreds of promissory notes in the shape of "I. O. U.," he would exclaim with a feeling of great relief—"Thank God! that debt is paid." What would this world be, if, when it started out on its pilgrimage thousands of years ago, all men had no more regard for their "promise to pay" than had Daniel Webster? The human family would probably be squatted like the Chaldeans, or their distant forbears, on the plains of Shinar, swapping kids and lambs, bullocks and heifers, for food, and skins for wear, and thousands of unhappy debtors would never have been oppressed by "whereases" followed by "fieri faciases" and then by "scire faciases" that served as unsolicited letters of introduction to high officials dwelling within gloomy walls and behind iron doors. There could have been no credit and no progress, for credit, like faith, removes mountains. This is but the physical aspect of the world. What the effect on the morality of men would have been, even the imagination cannot portray. But, unfortunate as was this indifference to monetary obligations, it led to other and far more reprehensible conduct of Mr. Webster. This requires a few introductory remarks:

I have said that Mr. Webster entered Congress in 1812, New Hampshire, his native State, sent him. After serving two

terms he moved to Boston, and in 1823 Boston adopted him and sent him to the House of Congress, and in 1827 Massachusetts sent him to the Senate. He had become a recognized national force by his triumph in the case of Dartmouth College—where he captured the full Bench of the United States Supreme Court and bore it away as easily as Samson carried away the gate of Gaza. I have not dwelt thus long on Mr. Webster's venial and reprehensible weakness with the slightest pleasure, or feeling of gratification. On the contrary, viewing this side of one of America's strongest intellects has filled me with deep regret. It is like looking at Achilles in full armor holding his magic shield, while the mind's eye dwells on his vulnerable and fatal heel, or, when we are lost in admiration of the wisdom of Lord Bacon, some vagrant thoughts will steal away and we detect them glancing at the great Lord Chancellor as he sells justice on the woolsack. In my boyhood I declaimed with pride: "Venerable men! you have come down to us from a former generation. Heaven has bounteously lengthened out your lives that you might see the light of this glorious day—," and many others of those gorgeous Websterian fabrics, strong and beautiful, so elaborately revised and polished again and again, that they resemble the rich and rare oriental tapestry woven at the cost and sacrifice of human life.

I have never understood why Mr. Webster, in his eulogy on Jefferson and John Adams, delivered as a part of his address an imaginary speech as made by Adams in the Continental Congress, and silently allowed it to be printed and spread over the United States as actually delivered by John Adams. Every compilation of extracts from speeches of our great orators for declamation in schools, contains the speech beginning: "Sink or swim, live or die, survive or perish, I give my hand and my heart to this vote!" The occasion was sublimely solemn. The lives of the two men, Jefferson and Adams, were deserving all that any orator could bring to place on their brows as a crown of glory; and nothing but the strictest conformity to truth and history was permissible. But the orator trifled with his audience by fabricating a patriot's and

an orator's glowing words, and by introducing Adams as the patriot and orator.

I say I have never understood why this trick was played, but I have a theory, which, in the absence of a better, may be worthy of acceptance. This address was delivered in 1826 in Faneuil Hall. The men to be eulogized were antipodal—Jefferson, Southern; Adams, Northern; Jefferson, a Cavalier; Adams, a Puritan; Jefferson, a Virginian; Adams, a typical product of New England—bigoted, narrow and uncivil. As an instance of this—when Jefferson, his successor in the presidency, was to be inaugurated, Adams was so uncivilized and ill-bred that he refused to meet Jefferson, or to attend his inauguration, and hurried away from the Capital the minute his term of office expired.

Mr. Webster knew both subjects of his eulogy. He knew Adams intimately, and knew his inferiority to Jefferson. His task was not easy, for, addressing a New England audience he could not afford to do otherwise than to try to elevate the Puritan approximately to the lofty height of the Cavalier. He could not "tear angels down," so he attempted "to raise" a very mortal "mortal to the skies." To do this he resorted to the ruse of exploiting Adams as a great orator, knowing Jefferson was not; and as he could not produce, cite, or quote any great speech of Adams, and as the country knew that the speeches in the Congress never passed beyond the walls of the building, Mr. Webster hit on the device of having obtained, in some way, a speech that Adams delivered during the secret debate. It may be that Adams had practiced a pious fraud on Mr. Webster at some moment of convivial confidence, by giving him, under pledge of secrecy, a copy of a speech he asserted he made in the Congress, and Mr. Webster dressed it in a suit of his Sunday clothes for its introduction to Faneuil Hall. And as Mr. Webster could not tell how he got it, and also knew that, should he tell, Adams would be denounced as a liar far and wide, Mr. Webster introduced the speech with the following ambiguous verbiage:

"Hancock presides over the solemn sitting; and one of those not yet prepared to pronounce for absolute independence is on the floor, and is urging his reasons for dissenting from

the declaration: 'Let us pause. This step once taken can not be retraced,' " etc., etc. As Mr. Webster's biographers say that he always revised and pruned severely every speech of importance, it may be that the above introduction was not what Mr. Webster spoke, but is what he afterwards wrote for publication. President Fillmore asked Mr. Webster what authority he had for putting that speech into the mouth of John Adams. "None, except Mr. Adams's general character. I will tell you what is not generally known. I wrote that speech one morning before breakfast in my library, and when it was finished my paper was wet with tears."

It will be noticed in Mr. Webster's eulogy that he first created a very timid patriot—one who let "I dare not" wait upon "I would;" who held the dagger over the heart of the old tyrant king, but was too cowardly to strike—and stood him up, quaking, to drivel out his fears to the Convention, and then made his New England hero cry—"Give me the dagger!", and thrill his pallid compatriots with a grand oration, opening with a double tautology—"Sink or swim, live or die, survive or perish, I give my heart and my hand to this vote," (composed by Mr. Webster A. D. 1826, one morning before breakfast, in his library) so eloquently that, thirty-eight years after the imaginary orator closed with the opening tautology, Mr. Webster shed tears so copiously as to wet the paper he wrote this imaginary hero's imaginary oration on. If another edition of D'Israeli's Curiosities of Literature should ever be issued, its richest and rarest gem would be the story of John Adams's greatest oration, that drew tears from New England's greatest orator while he was composing it thirty-eight years after the only occasion, when it might have been delivered, had passed. After Mr. Webster had wept profusely over Adams's imaginary speech, composed by Webster himself, he exclaimed in his eulogy—"And so shall that day be honored, illustrious Prophet and Patriot! So that day shall be honored!"—the audience not dreaming that Mr. Webster was the "illustrious Prophet and Patriot."

The old saw—"there are tricks in all trades but ours," is recalled by this interpolation of an imaginary speech. If the

purpose was to exalt Adams above Jefferson, it was, no doubt, successful with a New England audience. The speaker was the proudest champion of that group of States, and in his heart they overlay all other States in the Union. He knew their weaknesses, and that the Union was of greater value to them in dollars and cents than to the Southern States, and his devotion to the Union was largely fostered by that knowledge. As slight evidence of this first love, as well as of Mr. Webster's intention to enhance the glory of John Adams, even the casual reader of this address and eulogy observes that he eulogizes Hancock, President of the Congress, and Samuel Adams and Elbridge Gerry and Robert Treat Paine, all colleagues of John Adams in that Congress, and he says not a word of the six colleagues of Jefferson. Why devote a page to these Puritans and ignore the more distinguished and abler Cavaliers?

CHAPTER XIII.

WEBSTER AS STATESMAN AND PATRIOT.

I shall now consider Mr. Webster as a statesman and patriot. Why I link the two will appear as I proceed. As a master of the science of political government, (if it may be properly called a science), he probably had no superior in this country, excepting Thomas Jefferson, Alexander Hamilton and John C. Calhoun. As the rich nugget found on the surface indicates the wealth of gold beneath, every speech of Mr. Webster's suggests the vastness of his resources lying in reserve.

There was one occasion—the greatest in his eventful career —when he sank the statesman and the patriot in the partisan and lawyer. It was when he replied to Robert Y. Hayne in the Senate, January 26th, 1830. That speech is the corner-stone on which the height of his massive fame now rests. He was then in the vigor, mental and physical, of his mature manhood—being forty-eight years of age. He had won national fame by his argument in the case of the Dartmouth College vs. Woodward in 1818. He had enraptured the Old, as well as the New World, by his philanthropic sentiments expressed in his "Plymouth Oration, December 22nd, 1820." He had gained distinction by his speech on "The Greek Revolution" in the House of Congress, January 19th, 1824. He had arrested the attention and the labors of the busy sons of a second generation, to hear a recital of the heroic deeds and sacrifices of their sires, by his oration at the base of Bunker Hill Monument. In another field of thought which he enriched and adorned, he had delivered his eulogy on Jefferson and Adams, July 4th, 1826. When he rose to reply to Hayne he had a reputation as an orator and as a statesman, and master of our federal constitution, that surpassed that of all other Americans. To sustain this high and enviable reputation; to hold the belt he wore as champion in America; to win other and greater laurels; was a temptation that few, if any, mortals could resist. Unfortunately, Mr. Webster, ingrafted with many frailties, was

not one of the strong and noble few. He struck not the rock that healing waters might flow. He struck for personal victory without counting the cost. He was blinded by the glitter that shines afar from the temple of Fame, and could not see that in thrusting at the antagonist before him he was stabbing his beloved mother—his country. Like Hamlet, who with his rapier rent the arras to reach—as he thought—the King, but killed Polonius, he with his Damascus blade cut down the Constitution to conquer his adversary.

But there was another, and, if possible, a stronger motive impelling Mr. Webster to enter the lists for victory. From 1828 to 1830, inclusive, the whole country was more violently excited than at any other period before the debate on slavery in 1850. The Puritans were aroused again by religious fanaticism in the form of the immorality and sin of slavery, and by avarice that was fattening on Protection. The two sections—the North and the South—had drawn the line (Mason's and Dixon's) and were in hostile array. Each, for ten years, had been marshalling its intellectual giants at Washington for the combat. The front of each of the forces was uncovered in 1820 when the struggle over the admission of Missouri as a State was on. The negro slave was the casus belli. The battle raged furiously for months, and peace was not declared until a truce was agreed on in the form of a compromise. Still, the Puritans, while baffled for the time, sullenly retired with the avowed purpose to agitate freedom of slaves by Congress. The Compromise left the other Puritan vice—avarice—in full play, and a new Tariff Bill for Protection was passed in 1824, and still another, with greatly advanced oppressive rates, in 1828, that shocked the entire country except New England. South Carolina was aroused to such a degree of protest that she inaugurated the movement known as "Nullification." Senator Hayne, speaking for South Carolina, attacked the economic policy embodied in the statute of 1828, and Webster, as the paid counsel for the factories had to defend the statute. Minor debates occurred in the Senate during 1828 and 1829 on the injustice and sectional advantages of the law. Several passages took place between the two champions on whom the final struggle devolved in January, 1830.

Just here it is opportune to notice the oft repeated boast by Webster's admirers and bolsterers that the debate was sprung on him by Hayne as a surprise, and that he replied with the preparation of only one night. A more palpable, open, barefaced fraud was never worked up and palmed off on a trusting public, or a blind beggar. Every step in the life of Mr. Webster puts this Munchausen romance—this Canterbury tale—this braggart's subterfuge—this cock and bull story—to shame.

FIRST: Mr. Webster's chief study, from the time he entered Mr. Thompson's office as a student of law, was the federal Constitution. It was his primer, his vade mecum, his Bible. He was not a great lawyer. Innumerable instances are given of his application to Judge Story and other great jurists for the law he desired in cases he had to try. But he adored the Constitution. He pored over it year by year, and no man understood it better, if as well.

SECOND: Mr. Webster made a special study for two years of the question of Nullification and Secession before his final debate with Hayne. Secession was not a new question. It was as old as the ordinances of New York and Virginia adopting or agreeing to the Constitution. It reappeared in Kentucky by her Resolutions of 1798. It was again emphasized by Josiah Quincy of Massachusetts in a speech in Congress in 1811. It was in the air—buzzing around the head of Mr. Webster—in New England for thirty years before the debate in 1830. The Hartford Convention revived it. It was the ultimate remedy advocated by the Puritan abolitionists by which New England could escape from all responsibility for the unpardonable sin of negro slavery which she had fastened on the South. It was advocated openly by these supersensitive saints who proposed to organize New England into a separate republic. Was Mr. Webster deaf from 1798 to 1830? Hugging the Constitution to his bosom as a palladium, did he fail to hear the ominous sound of Secession that was the alphabet of New England for young and old? Did it shock him? Did it arouse him to action? Did he rise in his majesty, as in his peroration in reply to Hayne, and rebuke with anathemas the Puritan Secessionists, and ask, "What is all this worth?"

THIRD: Mr. Webster knew in 1827 that the question of Nullification was agitated in South Carolina and that a debate on it must occur in Congress. He knew that Secession was being considered in New England, and that it was considered feasible and probable, if Nullification should not be a remedy. Can any man honestly believe that Mr. Webster was not preparing for the part he must take in a debate involving the life of the Union, which he professed to love as his mother? Was he idle for the two years preceeding the debate in 1830? To suppose it is to do him a great injustice and to deny the well known method he always employed as a speaker, which was not only to prepare carefully and write in full what he would deliver, but to write and rewrite the manuscript after the delivery. Would he fail to be preparing for the most important combat in his life? It is not honest to think so, and it is not truthful to say that his reply to Hayne was extempore, or not thoroughly prepared.

FOURTH: Mr. Webster did not believe in oratorical genius. He had no confidence in anything but labor, and he made that his genius. He said, when talking on this subject, that his sentence (speaking of Great Britain): "Whose morning drumbeat, following the sun and keeping company with the hours, circles the earth with one continuous and unbroken strain of the martial airs of England," was suggested to him when viewing a military parade at Montreal, and that it required much thought, at different times, to construct and polish the sentence. It is affirmed by the biographer of Mr. Hayne, Mr. Jervey, of Charleston, S. C., that Mr. Webster did not cease to polish his reply to Hayne for eleven years after its delivery.

There is a tradition coming down from the age of Plato that a continent lying between Europe and America called "Atlantis" was sunk many milleniums ago in some total convulsion of the earth, carrying down a very cruel and bloody people. There is a continent of New England's enormous history that without any seismic disturbance, but by conspiracy among her Puritan sons, direct and collateral, has been studiously and laboriously smothered and concealed for near three hundred years. It is of a people bloody and cruel like the Atlantise, with the added superlative of religious fanaticism

and insatiable avarice. It is a very small portion of this submerged history that her great giant, Daniel Webster, was supported, in part, by men who battened on tariffs for Protection. For near fifty years his many biographers, among them George Ticknor Curtis, Harvey, Edward Everett, C. H. Van Tyne, March and Plumer, as they wrote, have sat on the trap door that covers this Puritan scandal and corruption. Senator Lodge in his brief story of Mr. Webster lifted the trap quite enough for the public to catch the odor, but not enough for the eye to be seared.

The men enjoying the benefits of Protection kept Mr. Webster in public life to serve them by his great ability. This thing was not done in a corner, nor behind the door. It was an agreement. Mr. Webster made money at the Bar, but he had no sense of economy. He spent lavishly, was always embarrassed by debt and haunted by debtors, and to keep him in Congress he was paid to look after the interest of the protected classes. There were forty (40) men who subscribed to an agreement to pay him a pension so long as he served them in the Senate. This fact is at last frankly stated by Sidney George Fisher, Litt. D. & L. L. D., in his biography, "The True Daniel Webster," published in 1911, page 488. Thus Webster was the distinguished forerunner of Senator Platt of New York and many hundred insignificant successors strung along from New England to Oregon, all above the Ohio River—except a few carpet-baggers, fetid scabs sloughed from social putresence, who, after 1865, were set up like tenpins by the Protection Pensioners in the Senate to answer roll call. And this merchandise was called Senators, and is called Senators.

This political debauchery—buying and owning a special attorney, dressing him in the white toga of a U. S. Senator—the passport of statesmen and patriots; this relation of lawyer and client imposed on the lawyer an obligation to serve his client to the utmost of his ability. It was the most insidious, dangerous and effective form of treason a government has ever encountered. Insidious, because it was the spirit that disrupts every social bond known to the human race; dangerous, because it cannot be seen and combated; effective, because it destroys every agency on which a government must rely for its

preservation—the honor, courage and devotion of its citizens, or subjects. There were two overpowering temptations to make the speaker forget his country, the first, the desire to win the title of victor; the other, was an obligation of honor that a lawyer feels to his client who is supporting him.

Just when, that is, the day, month, or year this corrupt coalition was formed is not known and never will be revealed. Probably every conspirator is dead. All conspirators at first are timid because they know not whom it is safe to approach. The common knowledge of human nature suggests that the ruin was wrought by gradual approaches, as sappers and miners work underground. It may have been accomplished by the artful advances of the seducer. The entering wedge employed was evidently the weakness of the victim as an economist; as a debtor in distress because of his uncontrollable extravagance. It may have been accomplished as those Puritan bribers' descendants now manage their Trusts—"by a wink," "a nod," or a figure or a label on each conspirator with a letter of the alphabet, as "A" stands for Armour, "B" for Swift, "C" for Cudahy, or "a verbal understanding among gentlemen." (?) We know that Mr. Webster entered Congress inclined to free trade; that he gradually changed until he favored Protection before 1828, and the debate under review was in January, 1830. We know he was then past middle life, that he had been master of Marshfield years before the debate; that he had stocked his farm with the most costly cattle, sheep and horses, and that the farm was quicksand for sinking money. It would throw light on this national scandal could we know the date of the paper signed by the forty seducers, if indeed, seduction was necessary.

As this review of Mr. Webster—the magnus Apollo of all New England's sons—is in part an answer to her continued, constant assumption and boast in books, speeches, magazines, daily, weekly and monthly journals, of her immeasurable superiority in intellect, religion, morality, virtue, intelligence, culture, manners, ethics and all else that pertains to civilized people, I will conclude this point of view by saying that he would have been a reckless and a desperate man who would have dared to suggest to Calhoun, Hayne, Forsyth, Crawford,

Toombs, Stephens, or any other of the South's thousands of public men, that he should remain in Congress on private pay to advocate the interests of any man, or privileged class, against the interests of the common country.

CHAPTER XIV.

MR. WEBSTER'S MORAL ATTITUDE CONSIDERED.

Let us look at Mr. Webster's moral attitude when he was preparing his reply to Hayne. The gravemen of the controversy was the High Protective Tariff of 1828. He was then the paid counsel and advocate of the reapers of riches from that ravenous monster. When its head, with destructive aspect, appeared in the East, he heard the alarm sounded in the South of danger to the Union. He knew that disunion was death to this vampire that was sucking the blood of all except his clients. Nullification was the dreadful note. He knew that every Southern State, except South Carolina, disapproved of her remedy. Therefore, he knew he was on solid ground in attacking Nullification. But, he also knew that Secession was a national doctrine. It had been asserted by Virginia, New York and Kentucky; in Rawle's Text Book at West Point, and advocated a thousand times by New England statesmen, orators, preachers, speaking singly and in a number of conventions. It was a remedy as variant from Nullification as the withdrawal of a number of church members from a large congregation is from burning the church and scattering the entire number among other denominations; as when, for instance, in 1844 the Southern portion of the Methodists withdrew or seceded from the United Church of the entire Union, because the Northern members used their strength and expelled Bishop Andrew of Georgia because his wife owned slaves she had inherited and held in her own right.

Mr. Webster, while his mighty brain was revolving the multiform issue, discovered without debate that the death blow he might deal to Nullification would still leave intact, unhurt and available the remedy of Secession, which his own clients not only conceded as constitutional, but had advocated so often that it was, so to speak, the political alphabet of New

England. He saw, of course, that Secession, while not so disastrous to the beneficiaries of Protection, would cripple them badly, as they would have only about half the impotent subjects to prey on. His only course, therefore, was to defy public sentiment, North and South, to over-ride for their benefit (as counsel sometimes have to do) the opinions of his own clients and constituents; to push aside the Constitution that contained no inhibition except what was expressed in language so plain that he who runs may read and understand; to seize Secession without warrant or authority of law and charge it as being as vile a traitor as Nullification that proposed to stay in the Union and to defy its laws; and to sack and drown the two together; and while hugging to his palpitating bosom the assaulted Union, to arouse the sympathy of the jury and obtain a verdict by such ravishing sophistry, and his clients would then be left with free hands and an open field to continue their plunder of the public to the verge of Revolution, which they are now rapidly approaching. He could then say as Brutus to the co-conspirators—"Now let high-spirited tyranny reign on"—tyranny of numbers—tyranny of factories over the fields—of Puritan greed over a burdened and weary continent; tyranny of usurpation of power not named in the bond—in the compact, or contract, called the Constitution.

Mr. Tefft (compiler of Webster's eleven greatest speeches) reaffirms the stale discredited tradition that the reply to Hayne "was nearly extemporaneous." Webster had studied the Constitution until he knew it by heart. This study ran through thirty years. He had reflected on the question of Secession just as long, simply because New England did not allow him to escape it. In 1828 Secession passed from a theory to an urgent practical issue to be met and decided. It was forced to the front by threat of Nullification. Here was Webster's stamping ground, soon to be a battle-field. He treated the two as twin-monsters. The Constitution was his own great pet specialty. He was attorney for clients who, he knew, would demand all the powers of his intellect, as their all was staked on the issue. His national reputation as "The Great Expounder of the Constitution" was to be maintained. As he always prepared thoughtfully and critically every speech when time al-

lowed, did he, in the most momentous hour of his life, go fishing and hunting, or dawdle at Marshfield among his pets—cattle and sheep? Did the rhetorician, who was such a sleepless guard over his fame as a faultless verbalist, as to rehearse by words, gesture and pose his Bunker Hill address while standing in a brook fishing for trout, neglect to prepare for the greatest occasion of his life, when defeat would be a Waterloo to him and his purse, his clients and New England, followed for him by a St. Helena? "Tell it not in Gath; preach it not on the streets of Ascalon" or any other town or hamlet outside the sacred soil of New England. I do not say sacred because it has been made holy as the sepulchre of so many martyred Quakers and noble women and innocent children butchered as witches, but because the dwellers thereon reverence it as sacred. I spoke of the tradition as stale. Let me rather, say, an enchanting fable for children everywhere except those of his credulous old mother, New England, and only with them and her because it is "impossible." Said an agnostic, speaking of miracles, "The thing is impossible, and, therefore, I believe it."

Mr. Webster, like Macaulay, was widely noted for his tenacious memory. Macaulay going from Dover to Havre one stormy night, being unable to sleep, sat on the deck alone and entertained himself by repeating Paradise Lost. Mr. Webster, after arranging his thoughts for an address, however lengthy, without reducing them to writing, could deliver them as arranged without breaking the connection, or gamboling from the text. He had conned his reply to Hayne until he was as familiar with every paragraph, sentence and word as he was with Pope's "Essay on Man," which he could repeat in full. He had chosen his vantage ground and had planned the battle and was resting for months for the enemy to appear. In the words of Senator Benton he had been "lying in waiting for the hour to be delivered." His points of attack were selected with the skill of the incomparable Corsican, or of the immortal Lee when he crushed the enemy at Chancellorsville and the Wilderness. He had stationed along his extended line at selected intervals all the material of war for attack and defense with which nature had bounteously provided him, and which

laborious art had improved by untiring practice. He had drawn on that world-wide arsenal in which is stored every perfect weapon that man can use, all fashioned and burnished by the greatest artisan "in the tide of times," who sleeps on the bank of the classic Avon. He had timed the moment when he would bring into action the light arms of humor, raillery and satire; when to open with the thunder of his heavy artillery; when to frighten his adversary with the bloody ghost of Banquo and the quaking figure of the treacherous, traitorous new-made Thane of Cawdor—his fancied prototype of the ungrateful son who would murder his benefactor and protector, the Union—"willing to wound, and yet afraid to strike;" he had planned by artful circumlocution to clothe his adversary in the repulsive garb of a propagandist of treason; and then to overwhelm him with a crushing blow, not only on Nullification, but on its twin traitor, Secession. For his peroration he drew on Lucifer for assistance when he prayed that his "last feeble and lingering glance should behold the gorgeous ensign of the Republic * * * still full high advanced."

"Extemporaneous?" "Nearly extemporaneous?" Just about as extemporaneous as was the Declaration of Independence, or the Constitution of the United States.

Had Mr. Webster been statesman and patriot on that fateful day so fruitful of calamity and ruin, the drama cast by him, himself the only actor, would not have been staged. He could and should have washed his soul of the bribe, and have offered himself white and pure as a sacrificial offering to save the Union. But, having a giant's strength, he was tempted by self-interest and ambition to use it like a giant. In his zeal for the Union he wrecked the Constitution, which alone upheld the Union. Unwittingly he anointed as both Seer and Prophet, the patriarch and patriot—Patrick Henry—who pleaded with his mother, Virginia, not to unite her destiny with the Puritans. He demonstrated the wisdom of Senator Maclay of Pennsylvania who recorded in his Diary—"I would now remark that there is very little candor in New England men. My knowledge of their character warrants me in drawing the conclusion that they will cabal against and endeavor

to subvert any government which they have not the management of."

With his flaming blade he wrote into the Constitution "Secession is Nullification, and Nullification is Treason." If he had done as all great lawyers do—confined his attack to the true and only issue, that Nullification is Revolution, and on that solid foothold had staid his impetuous steps and sealed there his inflammatory lips; had he had the moral courage to turn upon his rapacious clients—sons of "the horse-leech" ever crying "Give! Give!"—and tell them their greed had pressed their victims to the very verge of disunion, and that he must turn his back upon them and his face to his plundered country and put forth his strength to hold them at bay and protect the suffering millions, he would have saved a half million of men from being food for powder, and thousands food for vultures, and billions sufficient to purchase the United Kingdoms and Sovereignties of Europe.

"Cromwell! I charge thee, fling away ambition!
By that sin fell the angels; how can man, then,
The image of his Maker, hope to win by it?
Love thyself last * * *
Corruption wins not more than honesty!
* * * * * *
Let all the ends thou aim'st at be thy country's,
God's and truth's; then if thou fall'st, O Cromwell,
Thou fall'st a blessed martyr!"

When the orator rounded off his polished peroration—"Liberty and Union, now and forever, one and inseparable"—the unthinking multitude at the North threw their hats in the air and shouted "Hosanna! the Union is safe!" They did not know the issue on trial. It was not Union nor Disunion. It was "THE PEOPLE VERSUS HIGH PROTECTION."

When the sophist and pensioner, with the sleight of hand of the master of Three Card Monte, slipped Protection off the board and substituted Nullification and proclaimed the case to be "THE PEOPLE AGAINST NULLIFICATION," and changed his Brief from that for the defendant—High Protec-

tion, to one in favor of the People, and after he had successfully convicted Nullification of Treason and then seized and dragged in Secession, and by bold, bald assertion, unsupported by reason and in defiance of the consensus of opinion, North and South, deuounced Secession as twin traitor with Nullification, the jury rendered its verdict in favor of his clients and almoners.

When the paid advocate by ipse dixit convinced the jury that Secession, like Nullification, was Revolution and could not be effected without war, he set bloody treason afoot, and laid a train with burning fuse that just thirty years thereafter exploded a mine that laid low in death a half million men, and made a million cripples and homeless widows and orphans.

I have said the pensioned pleader set treason afloat. Is this rhetoric and no more? Is it a figment of the brain? Let us see.

"Words are things, and a small drop of ink
Falling like dew upon a thought, produces
That which makes thousands, perhaps millions, think."

"Nullification is Revolution! Revolution is war! Secession is Revolution, therefore Secession is war! When these words were read into the Constitution by its "Great Expounder," the Northern sesessionists, seeing that avenue closed, changed front, joined the abolitionists, and raised the cry—"Slavery must be destroyed." As hornets swarm for battle when disturbed, these conspirators rushed to the field. They flooded Congress with petitions. In 1835 37,000 petitioned Congress to abolish the twin sister of anarchy. In 1836, 110,000 petitioned. In 1838 the number of these patriots whose fathers had coined fabulous wealth out of this unpardonable sin, swelled to 500,000, and ran into millions before 1860.

After Webster's speech (1830), abolition societies were rapidly organized. In 1836 there were 527. In 1837 the number was 1006. In 1838 there were 1346, and there were 155,000 enrolled members. Soon the children of the Northern States were seized with nausea and retching from the sour grapes their fathers had eaten so ravenously and waxed obese upon, and they assembled and endeavored to get relief, not from the

accumulated fat but from the sin of their fathers, by passing statutes to punish any and all who should obey the law of Congress requiring States to deliver up fugitive slaves. To resist a federal law "The Great Expounder" had told them was treason. Patriotic Massachusetts was found among these defiers and nullifiers of the law, and her Union loving sons soon became mobs to resist and nullify the laws of the Union they so much adored. To nullify the High Protective Tariff in South Carolina was Revolution—was treason. To nullify the fugitive slave statute in Massachusetts was patriotism, philanthropy, was executing the will of God!

CHAPTER XV.

REMARKS ON WEBSTER'S REPLY TO HAYNE.

The three speeches by Daniel Webster that wrought incalculable loss and ruin to the people of this country, are his argument in the equity case of Dartmouth College vs. Woodward, his reply to Robert Y. Hayne in January, 1830, and his reply to John C. Calhoun, in February, 1833. It is my purpose to make good that assertion as to the replies to Hayne and Calhoun. The Dartmouth College decision needs no comment. It has been a stump in the way of every lawyer of extensive practice ever since it was rendered.

As the two replies were on the same subject—the tariff for Protection passed by Congress in 1828—although delivered near three years apart, and as the second (the reply to Calhoun) was but the complement and enlargement of the first, I shall notice both together, considering them, in some respects, as one. About the only difference in the cause of the debate with Hayne in 1830 and with Calhoun in 1833, was that the question of Nullification by South Carolina was a theory in 1830, whereas in 1833 it was an accomplished fact, and the Bill ever since known as the Force Bill to coerce South Carolina into obedience to the statute for Protection, was then pending in Congress. Webster's speech in 1833 was in reply to Calhoun's speech against the Force Bill. Calhoun replied to Webster in an argument on the nature of our dual government that has never been answered. Before taking up for discussion the views of Mr. Webster, expressed in these two speeches, I think it will not be unprofitable to make a few remarks on his reply to Hayne.

The first is that the speech, viewed as a whole, makes the impression that Mr. Webster was not enthusiastic in the conviction of the correctness of his position. In Dr. Tefft's compilation of Webster's eleven greatest speeches and arguments, his reply to Hayne fills 91 pages. Of these, 64 pages are filled

before he mentions the main issue. He begins on page 64, and says: "This leads us to inquire into the origin of this government and the sources of its power." Of the remaining 27 pages, more than half are on matters, some historical, that are dehors the record; such as, what New England did and did not when the embargo law was passed; the second is a waste of words in exploiting South Carolina's record on tariff for Protection, and the third a short dialogue from his melodrama in which he stages the scene in Carolina when the Senator, (Hayne), General of the Militia, should meet the federal troops in his State ordered there to collect custom duties. The peroration covers two pages.

It is a significant fact that in the entire 91 pages, the word "Nullification" occurs but once, and that the portentous word "Secession," familiar to him for thirty years, is not sounded at all. The first 64 pages could have been omitted without impairing the strength of the speech as an argument. But in his reply to Calhoun, three years later, Secession, Revolution, Rebellion and Nullification roll along page after page, handcuffed together as a bloody quartette equally guilty of treason, and all fit only for the gallows. Why this change? Mr. Calhoun had not discussed Secession as a remedy for South Carolina. The word, or the treasonous thing, Secession, was not in Mr. Webster's way! But he seized it—an innocent looker-on—and dragged it in, damned and hanged it with the other traitors, as the entire country looked on in amazement, especially New England, where Secession had long been a household word, familiar to the ears of the speaker and volunteer hangman.

In the last preceding chapter I gave a few of the sources that had made Secession so familiar to Mr. Webster. The hustings, the forum, the daily papers, the pulpits, every channel of information written, printed and spoken, had been for thirty years vocal of Secession. Rev. Wm. E. Channing, New England's greatest religious light at that day, and only two years older than Webster, wrote of slavery—"We are for Union—but not slavery. We will give the Union for the abolition of slavery, if nothing else will gain it, but if we cannot gain it at all, then the South is welcome to a dissolution—the

sooner the better." What made Mr. Webster silent on Secession in 1830, what made him so violent against it in 1833? This cannot be answered in a word, or a sentence. To understand what occurred we must go back to the time and scene—be "a looker-on in Vienna"—and gather up the surrounding facts and from them catch the psychology of the moment. To do this it is necessary to repeat a few words from the preceding chapter. From the beginning of the 19th century New England had been in a mental and spiritual ferment over slavery in the South. That is to say—Puritan religious fanaticism was again in the ascendant. This was shown by Mr. Hayne in his speech, and Mr. Webster admits it by words that confess but a small part of the extent of the frenzy. When trying to belittle Hayne's partial array of New England's turbulent and threatening writings and speeches against the South on account of negro slavery that she—New England—had fastened on the South, Mr. Webster said:

"Why, sir, he (Hayne) has stretched a drag-net over the whole surface of perished pamphlets, indiscreet sermons, frothy paragraphs and popular addresses; over whatever the pulpit in its moments of alarm, the press in its heats and parties in their extravagance, have severally thrown off in times of general excitement and violence. He has thus swept together a mass of such things as—but that they are now old and cold—the public health would have required him rather to leave in their state of dispersion. For a good long hour or two he recited speeches, pamphlets, addresses, and all the et ceteras of the political press, such as warm heads produce in warm times."

Two important facts are made prominent at this point in the debate; first, that to suggest Nullification of a statute of Congress by South Carolina was treason, and to be treated with the utmost severity by the government; and, second, that in New England, for more than thirty years, disunion, secession, and forming a separate republic had been advocated in every possible form and threatened from bar-rooms to pulpits, and New England's greatest statesman, when confronted with the facts, and not able to meet them, raised the Puritan shield inscribed "I am holier than thou" and endeavored to

turn into ridicule any criticism of New England's acts. He had known all that Hayne quoted. He had heard it through thirty years. He knew the authors were fanatics and dangerous beyond human conjecture. He should have denounced them as enemies of the Union, and have tried to segregate them socially, and thus forestall contamination by association and example. Instead of assuming the role of patriot he chose to play the part of Pantaloon.

A statesman pure and undefiled would have admitted the enormity of New England's many sins touching slavery, and have deplored her punic faith in trying to overthrow the Constitution she had so recently accepted as her protecting shield. The admission could not have weakened his attack on Nullification. But Mr. Webster was not a statesman pure and undefiled. By nature he had been afflicted with the curse of Mammon common to the Puritans, and, by bargain and sale, the statesman had sold out all his natural endowment and all he had acquired to the committee of Forty, who represented the protected pensioners of the government huddled together mainly in Massachusetts. It must be a great pleasure to those who are on watch for coincidences to note that the number of thieves (40) who infested the town in Persia in the days of Ali Baba and Morgiana, and owned the cave that opened to no other word or agency than the word "Sesame," is the exact number (40) of Puritan bribers who bought Webster's head and honor by paying him an annual pension so long as he was a Senator. The Greeks would explain the coincidence by metempsychosis—that the 40 thieves of the twelfth century, in Persia, had reappeared in the 19th century in Boston.

Mr. Webster seems to have approached the main subject of his speech with marked circumspection, and as if held in leash by an invisible power. That power was the sentiment of New England on the right of a State to secede. He was representing her industrial interests in the Senate, and her favor was his fortune. He was not decided as to Secession. This is shown by the Resolutions drawn by him and adopted by the mass meeting at Framingham in 1812 protesting against the embargo, and sent as a memorial to President Madison.

The part of the Resolutions appropriate to this view, I now quote:

"We are, sir, from principle and habit, attached to the Union of the States. But the attachment is to the substance and not to the form. It is to the good which this Union is capable of producing, and not to the evil which is suffered unnaturally to grow out of it. If the time should ever arrive when the Union shall be holden together by nothing but the authority of law; when its incorporating vital principle shall become extinct; when its principal exercises shall consist of acts of power and authority, not of protection and beneficence; when it shall lose the strong bond which it hath hitherto had in the public affections; and when, consequently, we shall be one, not in interest and mutual regard, but in name and form only—we, sir, shall look on that hour as the closing scene of our country's prosperity.

"We shrink from the separation of the States as an event fraught with incalculable evils, and it is among the strongest objections to the present course of measures that they have, in our opinion, a very dangerous and alarming bearing on such an event. If a separation of the States ever shall take place, it will be on some occasion when one portion of the country undertakes to control, to regulate and to sacrifice the interests of another; when a small and heated majority in the government, taking counsel of their passions and not of their reason, contemptuously disregarding the interests and perhaps stopping the mouths of a large and respectable minority, shall by hasty, rash and ruinous measures threaten to destroy essential rights and lay waste the most important interests."

Mr. Webster wrote the above in 1812. He was then thirty years old. With diplomatic circumspection he tells President Madison that he and the people of New England may be driven, by unjust legislation by Congress, to secede from the Union. His use of the word "Separation" has but one meaning and that is **Secession.** "We shrink from the separation of the States." "If a separation of the States ever should take place."

The second remark on the reply to Hayne is, that there is no record of another speech, ancient or modern, composed of such material, by which the speaker won such wealth of fame as Webster won by this. It is almost impossible to exaggerate the exceeding weight of glory it massed upon him. He was estimated as above comparision, in America, as a debater and rhetorician. And those who do not analyze the speech and weigh its parts, consider it as Webster's masterpiece. In rhetorical finish I think it his best. As an argument it is below, probably, twenty of his speeches. As evidence of good judgment and statesmanship it sinks to the level of the sophist and empiric; as in making sport of the speeches, sermons, etc., of religious fanatics, produced by Hayne, instead of deploring their perfidity and admitting their danger, and in putting Massachusetts on exhibition as a model, without qualification, instead of being truthful on her record—the worst of any of all the colonies—America's graveyard for murdered Christians and negro barbarians made slaves by her. If Hayne had replied he could have flayed Massachusetts year by year for two hundred years, and sent her to Coventry with incurable bed-sores purging pestilent pus until the crack of doom.

This speech brought to Webster's name more praise and glory than any other he ever delivered. And, yet, the peroration is the chief pillar that sustains its reputation. Exclude the closing page and the magnificence of the speech was factitious. The entire Union was excited. Not one man and voter in fifty knew the meaning of the word "Tariff." Not one in a hundred had ever heard of Tariff for Protection, or understood it when told of it. The people of all sections were devoted to the Union. Congress to them was a sacrificial assemblage of immaculate and industrious patriots, working for the common good and general welfare of all. They were told that South Carolina was trying to dissolve the Union, to throw everything into chaos, only because Congress, while passing a law to raise money to carry on the Government had put too much in the Bill. They did not understand what she meant by Nullification, nor how she intended to work it.

Again, all the intelligence of the North favored high Protection, because the North got the benefits. The North was practically unanimous in support of the law, and the South, through ignorance of the real issue, was enlisted in favor of the Union. For these reasons, nearly the whole population was against the position of South Carolina. The Protectionists, who had the money, sowed every State, county and hamlet with printed copies of Webster's speech. Almost every teacher of schools in the South was a "Yankee" from New England. Each was supplied with a copy of the speech, and boys in every school, North and South, declaimed the peroration that had been so artfully constructed, polished and beautified, to arouse the sentiment of devotion to the Union. All things were in conjunction and apposition to crown Webster as the victor of the day, and as champion of the Union. He was not simply the "Great Expounder of the Constitution." He was also defender and savior of the Union!

New England, through the tariff of 1824 and 1828, had just received the most convincing proof of the value to her of the Union, and between 1830 and 1833 her opinion on Secession underwent a change, and with her change of front we see her champion and political vane, pari passu, turning also; that is, between 1830 and 1833 Mr. Webster became an anti-secessionist. Whatever may have been the opinion of the paid counsel on Secession in 1830, when his clients were undecided, or, rather, divided, he readily adopted their changed views of Secession in 1833 when he replied to Calhoun. Before 1830 Secession was the popular medicamentum to purge the Northern conscience of the many and complicated sins of slavery. It was before 1830 that all the conventions to propagate Secession and the convention to form a New England republic, were held. After that year, the kind of literature on the curse of slavery that Mr. Hayne produced and quoted, fell off, and anti-slavery societies and petitions to Congress, as I have shown in the preceding chapter, grew and multiplied in geometrical ratio. It thus appears that cupidity and high Protection stimulated the greed of New England and opened her eyes to the incalculable value of the Union to her, and that her greed and avarice shifted her remedy from Secession to

that of abolition societies, and petitions to Congress praying that body to abolish slavery.

This change of front from Secession, advocated by the North, changed and fixed steadfast Webster's opposition to Secession, and caused the only substantial difference in the reply to Calhoun from the reply to Hayne. That difference was in yoking Secession with Revolution, Rebellion and Nullification. But the immensity, the enormity, the far reaching stretch of that difference no human thought can estimate, no human imagination can encompass. The effort is like that of trying to compass within the limits of a thought the distance from the earth to a fixed star. It is like the vain imagining of what would be the social and geographical condition of Europe, and even Asia and Africa, had the dictatorial Empire of France over-whelmed the combined kingdoms of Europe at Waterloo. We see all around, and we feel and have felt for fifty years, the direful effects of that change of one man's opinion on Secession between 1830 and 1833. His pronouncement in reply to Calhoun was received voraciously, yes, "with licking of the lips," by the North. The Great Expounder, Sir Oracle, had spoken, and settled the long dispute against the adherents of Secession. The student of causality finds in the words in reply to Calhoun—"Secession means war; there cannot be a peaceable Secession"—the vital germ of the war of 1861-5.

From the day when those omnious words were pronounced, the North incorporated them in its political creed, and Abraham Lincoln, finding nothing in the Constitution to authorize an invasion of one State by another, or by all the others, to conquer with a hostile army, adopted the Websterian oracle that Secession was Rebellion and Revolution as his plea in justification for invading the seceded States with three million soldiers, on the pretext of enforcing obedience to federal civil laws.

Mr. Webster's luminous logic could not fail to see the full force of Hayne's indictment based on what he (Webster) called the "ass's load" of pamphlets, speeches and sermons against the South, but lust for victory, sectional pride, obligation to his constituents and industrial clientele swept be-

tween his vision and his imperiled country, and he changed into burlesque-comedy the lowering and fast approaching elements of the most brutal tragedy the world has ever looked upon. He lived to survive that mental eclipse, and to feel by anticipation the ruin awaiting the Union through his sophistry and defection to duty, when, as one of the people's guardians, he sank his country to serve his greedy clients and to gratify his own ambition. And to his credit, it must be said, he had the courage to acknowledge his wrong as publicly as he had committed it, though not in words so explicit and clear. But as the most penitent confession of murder cannot revive the victim, so this confession, coming twenty years after the crime was committed, could not arrest the swift footed mischief he had so gayly turned loose; and his dying confession did no good for his country, but it worked ruin to himself.

CHAPTER XVI.

WEBSTER'S REPLY TO CALHOUN CONSIDERED.

I shall now consider more directly the speech of Mr. Webster in reply to Calhoun. That a clear view of the issue may be had, I, at the risk of incurring the reader's displeasure, must put in compact form what has been stated in disconnected shape—the history of the situation when this debate occurred. I make no apology for this part repetition, because this debate was the most important that ever took place in the history of the world. By it one man, against the lessons of history, against cotemporaneous construction North and South for forty years, against the terms of the Constitution and against reason, if we consider the intention of the framers of the Constitution; by forced construction and by resorting to the preamble to the Constitution, wrote into that most solemn instrument—every word of which was thrice weighed by the ablest statesmen in America before it was accepted—the words, "Secession by a State from these United States is Rebellion," and thus changed by his single word, the only complete republic in all the course of time into a despised tyrannical despotism, or mobocracy, or ochlocracy. These are not pleonastic words, they are descriptive of a chapter in the history of this government. For in the Spring of the year 1861, Abraham Lincoln, without authority of Congress, the only power in this government that can declare and make war, invaded the State of Virginia at the head of 75,000 troops equipped with all modern appliances for destruction, desolation and murder.

The situation at the time of the debate was as follows: Congress had passed a number of bills to raise revenue for the federal government. In 1816 one was passed that had a small addition for what was called protection of a few industries. In 1824 this addition was raised so as to give still more protection. This aroused strong opposition. In this bill the fine hand of New England was visible. She was the favored

recipient of the increased revenue. She was the spoiled and the pet child in the family. This statute disclosed the purpose of New England to be supported by the government—a purpose that has been persistently urged and carried into effect for a hundred years. In 1828 New England came again with the plea of infant industries and of guarding America's freemen against competition with Europe's paupers and serfs, and got a big advance on prior laws for Protection. By this time protection had sloughed off its common noun and neuter gender and become a distinguished member of the faimily of proper nouns, and therefore entitled to an initial capital P, which it has worn ever since with high and insolent crest. The gender, though not disclosed, may be inferred from the thousands of infant industries that have been hatched under its hovering wings.

This greed of New England caused indignation and alarm in the South—the strictly agricultural section—and between the date of the revenue statutes of 1828 and 1830, South Carolina, by laws passed by her legislature, proposed to resist the enforcement of the revenue law within her borders. This was called Nullification. The position assumed by South Carolina was that every State, by reason of its sovereignty, had the right to question the constitutionality of an Act of Congress, and could not be compelled to obey it if she decided it was unconstitutional. This was the ground taken by Senator Hayne. Mr. Webster, representing the industrial States, contended that the Constitution provided a tribunal to decide whether an Act of Congress is unconstitutional, and that no State had the right to even bring in question the decision of that tribunal, which is the Supreme Court of the United States. Briefly stated, the above gives the contention that was caused by Carolina's threatened Nullification.

It is not necessary to consider the question whether Nullification was and is a remedy under our dual government. I say "was and is" because, if it was a lawful remedy, or means of defense by a State, or States, against oppression, at any time, it is a lawful remedy today. The letter of the Constitution has not been changed. Not a word in that instrument that was in it then has been touched and not one added to

vary its meaning. This is true, also, as to Secession. The Constitution, the only pillar that supports the federal government, and the only bond that holds the States together, is the same to-day that it was in the beginning and was in 1860. The war of 1861-5 did not change the reading of the Constitution. The conquest of the South in 1865 left the legality of Secession just where it was left by the framers of the Constitution in 1787. Contracts or compacts are not construed by infantry, cavalry and artillery. War is not a judicial proceeding. War cannot construe a written agreement by which Smith delegates authority to Brown, and decide just what Brown can do and cannot do under that authority. Civilized people do not construe writings by cannon balls, cartridges, bayonets and dungeons. It was said after Lee surrendered that the war had settled the question of Secession. No lawyer said so. No judge worthy to preside in a suit on one of Micawber's I. O. U's uttered such an absurdity simply because one man was worn out after a fight for four years with six men. No! The right or the wrong of Secession is as quick and active as when New England nourished it forty years as her hope of getting away from the corpse of slavery she had bound herself and the South with. "Who shall deliver me from the body of this death" was her hypocritical cry. What I am to consider is Mr. Webster's views of Secession as delivered in reply to Calhoun. He submitted four propositions in opposition to Calhoun's Resolutions, as expressing his opinion of the law of the Constitution forbidding Nullification or Secession. The first two were—

"FIRST: That the Constitution of the United States is not a league, confederacy, or compact, between the people of the several States in their sovereign capacities; but a government proper, founded on the adoption of the people and creating direct relations between itself and individuals."

"SECOND: That no State authority has power to dissolve these relations; that nothing can dissolve them but revolution, and that, consequently, there can be no such thing as Secession without revolution."

It is a noteworthy fact that the man who was so careful in the selection of words and in nice discrimination, should

use "constitution" and "government" as convertible words. The Constitution was a writing—a written suggestion, until agreed to—and when agreed to it became a written contract. It was and is in no possible sense a government. The Constitution, per se, has no vitality. It is only the foundation—the ground work—on which the parties agreeing to it may construct a government. When those parties come together and erect the framework—when they elect the officers provided for by the agreement, and the officers assume their respective places and proceed to perform their duties, then and then only is there a government. Mr. Webster was a stickler for words, and shades of meaning, and he shied at the word "compact." It is not essential what we call the Constitution. It is the substance, not the shadow, we must have. He wrote to President Madison in the Memorial that has been quoted, "Our attachment to the Union is to the substance not to the form." The Constitution is an agreement, a consensus, a contract reduced to writing. This no quibbling can evade. Why spend so many sentences to show the Constitution was not a compact? Compact has no distinctively inclusive and exclusive meaning—on the contrary, it has several synonyms. Besides, Mr. Calhoun caught out the quibbler by quoting the words "constitutional compact," used by Webster in his reply to Hayne.

In the same sentence in proposition first, Webster says the Constitution is not an agreement between the people of the several States in their sovereign capacities. This is asserted in the face of the following overwhelming proof of its falsity:

First: That each colony was acknowledged by Great Britain as a separate State and sovereignty.

Second: That each State sent delegates to Philadelphia to constitute the Convention that framed the Constitution.

Third: That the writing agreed to by those delegates was referred back to their respective States that each State, in convention assembled, might ratify or reject the writing.

Fourth: That nine States, each acting independently, should agree to or ratify the writing before it should be binding on any State.

Fifth: That any State refusing to agree to or to ratify the writing would not be bound thereby.

Sixth: When the writing was received in each State, a convention was held in each State, acting separately, and the writing was agreed to or ratified by each State, at different dates, each acting within its own borders.

Seventh: That the preamble to the Constitution says it is "ordained and established for the United States"—not for the people of the United States of America.

Eighth: That the delegates, headed by George Washington, when signing the writing called the Constitution, said: "Done in convention by the unanimous consent of the States present, etc."

Ninth: That the tenth amendment of the Constitution reads—"The powers not delegated to the United States by the Constitution, nor prohibited by it to the **States**, are reserved to the **States**, respectively, or to the people."

Tenth: Every act required by the Constitution to be done to put the Federal government in motion and to keep it moving was to be done by the States acting separately. Not a single act was or is to be performed by the people of the United States acting as and in one body.

Eleventh: The word "people" occurs but five times in the Constitution, and once in the preamble, and it is used because the word State or States could not be. Thus—"The right of the people to keep and bear arms shall not be infringed." "The right of the people to be secure in their persons, houses, papers and effects," etc.

With this array of declarations bristling like bayonets against him, he was forced back on the preamble for a weapon of attack. In one of his speeches, in which the Revolution of '76 was under review, he said, "We" (the people of the colonies) "went to war against a preamble." In this debate he seems to have become enamoured with the audacity of our Revolutionary heroes, and to have taken their success as an augury of victory for himself; for he "went to war" with his two valiant opponents with the preamble to the Constitution as a weapon of attack. And, marvelous to tell, while he was utterly overwhelmed by the close-knitted logic of Calhoun, he

was proclaimed the victor by the protected classes whose hearts and hopes of future plunder were in a consolidated government.

In his second proposition quoted above, Mr. Webster said, "there can be no such thing as Secession without Revolution." This leads to the main question I purpose to consider. To understand the issue we must look at the political, social and economic situation in the United States as it was in the year 1830. I mean social to cover the sectional relations and the slavery agitation. It is necessary to group some data that have been irregularly strewn along these pages, in order to understand their significance and importance in arriving at a correct judgment. The issue and the only real issue involved is the correct construction of the meaning of the United States Constitution on the sole question of Secession as a reserved right of each of the original thirteen States.

1. The government in 1830 had been in operation forty-one years.

2. The construction of the Constitution by its framers that any State, for justifiable cause, to be decided by it, had the reserved right to withdraw from the Union.

3. The construction by the generation following the framers of the Constitution was that any State had that right. These two facts were made part of history:

a. By the ordinance of New York and Virginia when they ratified and adopted the United States Constitution;

b. By the Virginia and Kentucky Resolutions of 1798 and 1799, declaring the right of withdrawal or Secession;

c. The assembly of New England's leading men in Washington in 1804 to discuss the advisability of Secession;

d. The speech of Josiah Quincy of Massachusetts in Congress in 1811, advocating Secession;

e. The Hartford Convention (1814) composed of delegates from the New England States to consider the advisability of Secession on account of the war of which those States disapproved:

f. Mr. Webster's declaration in 1812, by and in the quoted Memorial to President Madison, favored separation as a remedy;

g. Secession as a remedy taught in Rawle's book on the Constitution at West Point Military Academy;

h. The construction of the Constitution by the entire South, from 1789, that peaceable Secession was a right of every State;

i. The construction of the Constitution by the people of the North, down to 1833, that peaceable Secession was a right of every State;

j. That Secession as a right was taught in every channel of communication, including the pulpits at the North. I have already cited the written teaching of Rev. Wm. E. Channing, New England's leading abolitionist and theologian. He taught prior to 1833.

k. The statement of Senator Henry Cabot Lodge of Massachusetts in his "Life of Daniel Webster," page 176. Speaking of Webster's reply to Hayne, he writes:

"The weak places in his (Webster's) armor were historical in their nature. It was probably necessary, at all events Mr. Webster felt it to be so, to argue that the Constitution at the outset was not a compact between the States, but a national instrument, and to distinguish the cases of Virginia and Kentucky in 1799, and of New England in 1814 from that of South Carolina in 1830. The former point he touched on lightly, the latter he discussed ably, eloquently, ingeniously, and at length. **Unfortunately the facts were against him in both instances!** When the Constitution was adopted by the votes of States at Philadelphia and accepted by the votes of States in popular conventions, it is safe to say that there was not a man in the country, from Washington and Hamilton on one side ('federalists'), to George Clinton and George Mason on the other side ('democrats'), who regarded the new system as anything but an experiment entered upon by the States and from which each and every State had the right peaceably to withdraw; a right which was very likely to be exercised. When the Virginia and Kentucky Resolutions appeared they were not opposed on constitutional grounds, but on those of expediency and of hostility to the revolution they were supposed to embody. Hamilton, and no one knew the Constitution better than he, treated them as the beginning of an attempt to change

the government. * * * What is true of 1799 is true of the New England leaders in Washington when they discussed the feasibility of Secession in 1804; of the declaration in favor of Secession by Josiah Quincy in Congress a few years later; of the resistance of New England during the war of 1812, and of the right of 'interposition' set forth by the Hartford Convention. In all these instances no one troubled himself about the constitutional aspect; it was a question of expediency, or moral or political right or wrong. * * *

"When South Carolina began her resistance to the tariff of 1830 **times had changed, and with them the popular conception of the government established by the Constitution.** It was a much more serious thing to threaten the existence of the Federal Government than it had been in 1799, or even in 1814. The theory of Nullification had not altered in its essence from the bold and brief statement of the Kentucky Resolutions. The vast change had come on the other side of the question, **in the popular idea of the Constitution.**"

Mr. Lodge is, probably, the most congruous and reliable authority on this issue that New England could produce. He is a scholar, a historian, an American, a New Englander by birth and exclusive devotion, a Bostonese, a qualified admirer of Daniel Webster and a vociferous eulogist of the Puritans. It is important that his statement just quoted shall be remembered. It is history by a partisan who believes New England is as much above the South as old England is superior to Turkey. He is the Senator who made the last effort to put the Southern whites back again under negro rule, or to put the two races on social equality. He is a great-grandson of the President of the Hartford Convention, at which Mr. Webster held his nose when Hayne produced the record of it in the Senate.

The important facts in Mr. Lodge's statement are:

1st. That the historical facts were against Mr. Webster's contention.

2nd. That the construction of the Constitution before 1830 was practically unanimous in favor of the right to secede; but

3rd. That in 1830 "times had changed and, with them, the popular conception of the government established by the Con-

stitution. A vast change had come, on the other side of the question, in the popular idea of the Constitution."

Yes, three vast changes had come. Mr. Webster entered Congress in 1812 an advocate of Free Trade. Before 1824 he changed to a Protectionist. The second change was by New England on the tariff. She had become a strong Protectionist. The statutes of 1816, 1824 and 1828 demonstrated to her that there were millions in "Protection" for her. Presto—came the change! The third change was from advocacy of Secession by the North to advocacy of a consolidated Union, or a nation, and opposition to Secession, Nullification or any act of dismemberment. A solid, indivisible Union was the field New England longed to reap. And she has never ceased to skin it to this hour.

On this collect of indisputable facts I submit a few reflections. Each colony acting separately selected its wisest men and commissioned them to meet in Convention and to draft a written constitution to be submitted to the States, severally, for approval, or rejection. Mr. Lodge states the historical fact that each State, acting alone, chose its delegates, and each State, in convention, acting alone, voted to accept or reject. The writing thus proposed and agreed to was and is a legal document. It is an expression by thirteen sovereigns. It was made for but one purpose. That was to appoint a common agent to perform for the benefit of each and all the States certain acts which can be done by one better than by thirteen. To do this service, each principal, being a sovereign, delegated to the common agent the right to exercise certain powers that each, singly, possessed by reason of its sovereignty. Not one sovereign attribute or power was surrendered by the thirteen States. Each delegated the exercise of certain powers. It is an absurdity to say that each State surrendered, or gave away certain powers. A sovereign is invested with all imaginable governmental powers. The word "sovereign" admits no other meaning. Any other signification is impossible in the nature of things.. The moment a sovereign parts with—gives away irrevocably—one attribute, or power, that moment he or it ceases to be sovereign. A part of a whole cannot be taken away and the whole still be left intact. The

thought alone involves a mathematical absurdity. It is not conceivable that the thirteen States intended and deliberately plotted to divest themselves of sovereignty, and to raise their agent to the exalted position of sovereign over them. Let it be supposed, however, that they did so intend. The result accomplished, on this supposition, was the destruction of thirteen sovereignties, and the failure to construct another sovereignty out of their attributes or ruins. In other words, thirteen sovereign States entered into a compact to commit suicide together—nine to die first and the others to follow, or to back out as they should decide, each for itself.

The words "power" and "powers" as used in the Constitution, were employed by the wise men who framed that instrument in the sense of "exercise of," as, for instance, that "Congress shall exercise the power to declare war," etc.

CHAPTER XVII.

FURTHER DISCUSSION OF THE REPLY TO CALHOUN.

It will throw light on this inquiry to suppose certain propositions to have been made during the long deliberations on the paper called a "Constitution." Suppose a member of that convention had offered the following—"Resolved, that each State in conferring the powers enumerated herein on the Government that is to exercise said powers, surrenders its sovereignty, pro tanto, to said government."

Suppose the following proposed: "Resolved, that the exercise of the sovereign powers hereby conferred shall be irrevocably binding on each State, without redress."

Suppose this proposition had been offered: "Resolved, that the only remedy for a minority, in the event the majority in Congress shall levy heavy duties on imports that enrich one section of the Union, or class of citizens, and lays heavy burdens on the other sections or citizens, shall be through and by Revolution."

Suppose that this had been proposed: "Resolved, that the Union of the States that shall be formed under this Constitution shall be forever and inseparable; and no injustice, by violation of any of its provisions, done to a minority of the people by a majority, shall be just cause for Secession, or withdrawal of one or more States from the Union, even though the injustice be not justifiable by any judicial tribunal; and that such withdrawal shall be adjudged revolution and treason!"

Is there a sane man who will say he believes that any one of the foregoing supposed Resolutions could have been adopted? If so, does he not know that not one State would have ratified the work of its delegates, and that there never could have been a Union of the States?

I have said that one must stand in the year 1830-3 to consider fairly Mr. Webster's view of the Constitution. I have given the general construction, North and South, of the Constitution before that year, to-wit: that Secession was conceded to be a peaceable remedy. I have shown that Mr. Webster so believed in 1812, and no word from his lips shows a change of opinion until he replied to Mr. Calhoun in 1833. I have shown that even Alexander Hamilton did not question the right of withdrawal.

The feeling that heated the debate was sectional, but the issue rose higher than parties or sections. The question was—what says the Constitution? If it be silent, what could be said or done? Mr. Webster was sitting in the Senate as a Judge. He had to construe a legal document. It was a contract, or an agreement, or a covenant, or a compact, entered into by thirteen sovereign States. The instrument contained no word about nor allusion to nullification or secession. The Judicial mind alone could reflect the light to illumine the text. And the rules to guide Judges in construing writings are the same in our mother country and in this, and are applied by all courts, federal, State, Supreme, and the lowest courts. Briefly, they are (1): That words shall be given the meaning commonly given and understood, except words of the Arts or Sciences which must be construed as employed by artists or scientists in their technical sense; (2): The meaning of the contracting parties must be found and must control; (3): No. word can be read into the writing except it be necessary to keep the purpose of the writing from failing; and not at all unless the word evidently supplies the meaning of the parties. This rule applies to wills and deeds, and also to all classes of contracts.

It is readily seen that not one of the foregoing standard rules for construction of all writings applies to the Constitution. There is not one ambiguous word in it. There is not a word required to make sense and clear meaning. Mr. Webster had not an ell, nor a barley-corn of ground in the Constitution to stand on as a base for his replies to Hayne and Calhoun. He can nowhere find permission or inhibition as to

nullification or secession. As this is a case of delegated authority, another rule of construction comes in here. It is this:

In construing any instrument executed by a sovereign, delegating the exercise of a sovereign's powers, no construction is permissible to enlarge the grant beyond the express, plain language contained in the document; because, sovereignty cannot have its attributes abridged by implication. The Puritans were constantly claiming powers not named in their charter granted by Charles 1st, and that was the source of their incessant troubles with their kings and every ruler except Cromwell. This exaction they kept up in every relation until 1833, when Webster, speaking for them and as their counsel, found fault with the Constitution, and read into it what the sovereigns never imagined or thought of. After forty years of unanimous construction and general content with that view of the federal charter, he, without legal authority, and in violation of all rules for construing writings, and after he had been driven by Calhoun from the Constitution, on which he tried to make a stand, back to the preamble where he took refuge in "We the people of the United States," he at last resorted to the unauthorized declaration, or ipse dixit, that Secession is prohibited and cannot be effected without Revolution—without war.

His construction by implication, applied to the acts of sovereigns, is a barbarism in the Law. In other words, it is not known; is not recognized by Judges and lawyers. It is inferable that, if Mr. Webster had been as able a jurist as advocate, and had been a free man, those two speeches would not have been delivered. His assumption puts the framers of the Constitution and all the other statesmen who discussed it by pen and in the thirteen conventions, in the position of ignoramuses; that is, they did not know the attributes of sovereignty; or he, by his own reasoning, puts himself in that position. But he knew every attribute as well as he knew every letter in the alphabet. The truth is that there was no dispute, no trouble, no misunderstanding until the protected manufacturers appeared on the scene, through their bought counsel and advocate, who read words into the Constitution to suit their economic aims and interests. A large number

of Northern people whose withers were wrung because their fathers had stolen and bought negroes in Africa and enslaved them, and who were just pious enough to believe and to fear that the sins of their fathers would be visited on them, had already become dissatisfied with the Constitution because it recognized negro slaves as property and made no provision for future emancipation. They welcomed any new view of or change in the Constitution though it might not even remotely relate to slavery. These were the blood-thirsty but timorous scouts just in advance of the boisterous line of patriot-martyrs that soon appeared bearing a banner with the strange device—"The Constitution is an agreement with Death and a Covenant with Hell." They joined the protected pensioners in proclaiming Webster's new Constitution and the entire North soon adopted and ratified it.

I return to the framers of the Constitution. That they did not understand their business and duty, was not imagined by any one until Mr. Webster called their immortal shades to account. He contended that as they did not insert in the Constitution in express terms the right to nullify and the right to secede, therefore, neither right exists. This position is in direct line of descent from the Puritan rule of evidence that the old women and young girls when arraigned before Cotton Mather's high civil, ecclesiastical and criminal court, on charges of being witches, were required to prove they were innocent. If they could not, the charge alone was proof positive, and they had to die. Thirteen sovereigns, each acting through thirteen sets of separate delegates, it was contended, must make a positive declaration that the States intended to reserve and did reserve the right to nullify or to secede, in order to entitle them, or any one or more of them, to exercise that right. This reverses the rule of construction that nothing shall be inferred against a sovereign in construing his grant of the exercise of one or more of his powers.

Let us follow Mr. Webster's contention to its logical consequences. The Constitution is silent on the right of a State to secede, therefore, he says, that right does not exist, notwithstanding the tenth amendment thereto reads—"The powers not delegated to the United States by the Constitution,

nor prohibited by it to the States, are reserved to the States respectively, or to the people." It is sufficient to say that the States were in convention in their sovereign capacity, to appoint a common agent, and all they had to do was to say which of their respective sovereign powers they were willing to intrust the agent with the exercise of, and to what extent. They were not there to say what the powers and rights of each State were. The delegates knew that each State, **ex vigore termini,** was possessed of all powers and rights that can belong to a State, or to any monarch, king, emperor, or czar. The delegates did agree that certain rights and powers of the States should not be exercised by them during the life of their agent. They agreed to tie their hands as to a few sovereign powers, so as not to interfere with their agent in executing the powers entrusted to it. The restraints the States laid on themselves are in Section 10 of Article 1 of the Constitution. The exercise of fifteen powers named in this Section the States surrendered, but nearly all these had already been entrusted to their agent, in and by Section 9.

The first Congress, 1789, proposed ten amendments to the States, which were readily adopted. Among them the tenth Article is as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." This article was not necessary, for the reason given above, viz., the exercise of a sovereign power by another must be by express grant and in plain terms. This article was inserted in the Constitution through the extreme caution of the people of each State. They were already jealous of the broad authority of their agent and they decided to relieve the question of any doubt. No language was ever clearer; no enunciation was ever more positive and determinate. And it was spoken by thirteen sovereigns.

While Nullification was the proximate cause of quarrel in 1830-3, the real issue was federalism against democracy; strict construction against liberal construction of the Constitution, or State-rights against centralization of power in the federal government. The seat of federalism from 1787 has been in the Eastern States, because the mouth of the government's

cornucopia has always poured its ingots over that favored territory.

Mr. Webster, to the manner born and representing the favored few in whose pay he was, could not be otherwise than "like master like man." With the master the States were secondary—only means to the end. The end was and is a strong consolidated government. "It was to be the sheaf to stand up" and the thirteen States the other sheaves "to stand around about and make obeisance to it."

But such was not the view taken by the deputies of the thirteen States, as the whole scheme they planned for a federal government plainly shows. They put the government to be formed under the Constitution, subservient to the States. The rights and powers of the States were watchfully guarded as will appear by a brief analysis of the Constitution:

1st. The erection and operation and continuance of the federal government, the deputies, led by Washington, made dependent on the will of the States.

2nd. The three departments, executive, legislative and judicial, live or perish, as the States may decide.

3rd. The States control the franchise. Without this exercise not a wheel of government can move.

4th. The voters of each State must choose electors, the electors must elect. They must vote in a prescribed form for one to be President, for another to be Vice-President, and send a certificate of their action to the President of the U. S. Senate.

5th. Should the voters in the States that have, when combined, a majority of the presidental electors, decline to choose electors, the executive department of the U. S. government would be dead.

6th. The Executive alone can nominate men to the Senate to be Judges of the Supreme Court, the appellate and the district courts. So that, if there be no President, there can not be a federal Judge, and, of course, there can be no court.

7th. The voters of each State elect men who compose the House of Representatives in Congress. The same voters elect members of the State legislature and the latter, in turn, elect

U. S. Senators. Without this action by each State, there cannot be a Congress, and the third legislative department is destroyed.

The deputies were far-seeing. They did not fail to forecast the future of the government they were framing the material to build. They were not constructing an autonomy —a sovereignty—to take the place of the States. They were studying to create an agency that could perform certain acts for the benefit of the whole, better, in every sense, than the thirteen acting separately could perform them. This was the scope of their commission, and they did not transgress its limit.

There are four praiseworthy provisions in restriction of the exercise of the war-power given by the Constitution. The first is that no money shall be appropriated to support an army for a period longer than two years; and the second is that the right to appoint the officers of the militia and of training them was reserved to the States respectively. The third is that the President must call on the Governors for troops.

The fourth is: If, in voting for President no person have a majority of the electoral votes, and the election must be made by the House of Representatives, the vote shall be taken by States—each State having but one vote.

Here we have four distinct proofs of the recognition of very important State rights, to-wit: 1st, control of the purse in the support of armies; 2nd, the exclusive right of the governors of States to appoint officers of the militia and to drill the men; 3rd, the right of the governor to refuse to send troops; and, 4th, the right of the smallest State to have an equal voice with the greatest in selecting a President. Each of the four is an assertion by each State of its sovereignty.

There is an expression sometimes used by lawyers and judges when speaking of the power of the United States, and of each State. It is that each is sovereign in its own sphere. In my humble opinion the history of the thirteen States and of the United States government denies its correctness. That each of the thirteen States was sovereign when acknowledged by Great Britain no one can question. That the government

of the United States is not and never was sovereign is equally clear. Sovereignty does not abide in the government—in the machinery by which the people transact business, or affairs of State. Sovereignty abides in the people—the community—who constitute the corporation, or entity, called the State. There were thirteen sovereign peoples in North America in the year 1787, who, by separate action, at different dates or times, in different localities, decided to adopt the Constitution and to erect a government in pursuance of its provisions. They were the creator, and the government under the Constitution was their creature, or, of their creation. Now, the creature is not the equal of its creator. If the creator were sovereign the creature could not be sovereign. If the creature were sovereign, it could do all that any sovereign can do. If sovereign, it became so by the laying on of hands of its creator. But the sovereign States could not impart to the creature a part of their sovereignty and remain sovereign. It is the very essence of sovereignty that it is a unit—an integer—one and indivisible. A sovereign may depute authority to exercise one or more of his powers, as is done daily by appointment of ambassadors, but the power is still in the sovereign. The thirteen States delegated to the U. S. Government the right to exercise some of their sovereign powers—nothing more. So far were the States from granting to their creature any of their sovereign powers, that they expressly provided a plan by which, at will, they not only can change, alter, retract, or take away any of the authority delegated, but they can by vote revoke all authority and destroy their creature. More than that, they, as I have shown, by non-action, by refusing to elect federal officers, can leave the vaunted sovereign power to perish in a night.

But there is still another view, that, to my mind, is conclusive against the claim of any sovereignty in the United States. I must repeat what has been said several times, in order to make the view open and clear, to-wit: That the thirteen States were sovereign before they ratified the Constitution. Each of the thirteen States was composed of a separate, distinct people who constituted the sovereign State. Those peoples taken thus separately were the same people

who were known as the people and citizens of the United States, taken collectively. The people who constituted and managed and controlled the State governments were the identical people who constituted, managed and controlled the United States government. If the people of the United States, taken en masse, had any sovereign powers they could only get them from the same people who, taken singly as States, possessed complete sovereign powers. But the two peoples, by States and en masse, are one and the same. Therefore, it was impossible for the thirteen sovereign States to confer any sovereign powers on themselves as a mass. The Sovereignty, as said before, does not pertain to paper documents, not to the machinery of government. It belongs to and springs from the people organized for government.

Another view will bring out the transparent absurdity of the suggestion that, under our dual exercise of governmental powers, the sovereign States bestowed, or even tried to bestow, any sovereignty on the federal government. To simplify the view I will take two States, Virginia and Maryland, as the only States in the convention of 1787. When the people of Virginia and Maryland, who were admittedly sovereign the moment they achieved their independence of George III and of Parliament, were in convention by deputies to frame a Constitution, and afterward each assembled in convention to ratify the work of their deputies, they, acting separately, adopted it. George Washington, Jefferson, Madison, Mason, Monroe, Patrick Henry and other Virginians in convention representing the sovereignty of Virginia, and Luther Martin, Daniel Carroll, John Hanson, James McHenry, et al., representing the sovereignty of Maryland, agreed to and adopted the Constitution. The twelve amendments were added by 1803, and the Constitution then stood as it was in 1830, when Mr. Webster was expounding it. By his contention each State conferred on the two States that were united under the Constitution a part of its sovereign powers—that is, each stripped itself of powers the very essence of sovereignty, whereby they ceased to be sovereign and became dependencies. They were sovereigns in subjection, thraldom, abject obedience, without remedy, to a superior created by themselves. Such was the bondage, the vassal-

age, the voluntary subjection of these two quondam sovereigns to their creature, that should Maryland, for what she considered oppression by the creature, withdraw from the alliance with Virginia, the creature—using the militia of Virginia and Maryland—could invade Maryland with armies, shoot down her citizens, and force her back into the alliance. The creature, it must not be forgotten, is not a State, has no sovereignty, is dependent on the people of the two States for its officers, its army and navy, and money to pay expenses—for everything it has. It cannot have a President, Judge, or legislature without the consent and action of the voters of the two States.

CHAPTER XVIII.

WEBSTER'S QUIBBLING ON WORDS.

Mr. Webster said, in the debate with Calhoun, "I do not agree that the Constitution is a compact between the States in their sovereign capacities." In reply to Hayne he said, "The agreement between the States is a constitutional compact." Can any logician bring these two opinions into harmony? He said in reply to Calhoun, "The Constitution is not a contract, but the result of a contract, meaning by contract no more than assent. Founded on consent, it is a government proper."

What are we to understand when he says "the Constitution founded on consent is a government proper?" By no possibie construction or imagination can a constitution be a government. There may be a government without a constitution, and a constitution without a government. The constitution was consented to by nine States, and was in force as a contract for nearly two years before there was a federal government. It is impossible for a constitution to be or to constitute a government. Throughout the debate with Hayne and Calhoun, Mr. Webster repeatedly confounded government and constitution. They are in no sense identical, or synonyms.

"The Constitution is not a contract but the result of a contract. The people agreed to make a constitution, but when made that constitution becomes what its name imports." That is to say, when the constitution is made it is a constitution. That is, when a thing is, it is. That is undeniable, but it sounds like Dogberry's logic. It is worse than reasoning in a circle, for that can mislead, but this proposition is self-evident to a child.

But to say that the Constitution is not a contract, but the result of a contract, is an absurdity. When did the people of the United States, or of the States, contract to make the Constitution? When and where? How was the contract to make a contract, or compact, indicated, or expressed? "The

people of the United States agreed"—he lugs in here the fallacy, or false premise he found in the preamble to the Constitution, to-wit: "We the people of the United States," etc. He knew too well what constitutes a contract, to-wit: parties willing to contract, able to contract and who actually do contract.

When the people of each State agreed to send deputies to Philadelphia to prepare a paper, if they could agree on one, to be submitted to the people of each State for them to decide to accept or reject it, was that a contract? The deputies were not authorized to bind the States by what they—the deputies—might agree to. Therefore, what they said or did at Philadelphia was not a contract. It was of no more effect than a suggestion, a consultation, a proposition that the deputies considered would be satisfactory to their respective principals. If rejected their labor was in vain. If accepted there would be a contract—a constitution. Where, then, was the contract that the Constitution was the result of? Mr. Webster contended that two contracts were made—one was the parent, the second was the offspring—that is—the Constitution. But he quibbles on words. He says the Constitution was not a contract—it was the Constitution, and it was not a contract nor a compact, nor an agreement. He says the people of the United States, as one undistinguishable body or mass, as of one nation, first agreed to make a constitution and that was the contract from which resulted the constitution. When the basic premise of a syllogism is false, all that follows must be false.

It is evident that Mr. Webster had reflected for years, and ad profundum, on the question made by South Carolina before the debate began. He knew it was coming and he put on the armor he had picked up when it fell from the shoulders of Achilles on the bloody ground of Hoboken. He looked down the line of battle and surveyed the field with a master's eye, to find an impregnable position. Dropping the figure—I am convinced he did not neglect to bring to bear the Law of Nations on the powers and rights of each State as a Sovereign. Finding no tenable ground there for him to occupy, he reviewed carefully the Constitution, and found it bristling with

hostile abattis as thick as quills on the fretful porcupine. There was but one point d'appui that offered him a footing. That point was the preamble of the Constitution. As I have already shown, he was like the feudal villain who was under bond to fight for his Baron whenever called upon. He had no choice of banners—the right or the wrong of the casus belli was all one to him. He had been bought with a price to serve in fetters, and in fetters he was bound to deliver on demand the best he held in stock, or could procure. He was not a free man. He must serve his master, or masters. Puritan greed had sought him because he was New England's Chrysostom, and the pagan devotees of Mammon, like the strange woman—

"In the evening, in the twilight, in the black and dark night, with much fair speech caused him to yield; with the flattering of their lips they forced him."

And as the sequel reveals, like "the young man void of understanding, who, as an ox goeth to the slaughter, or a fool to the correction of the stocks," he chose the "bed decked with coverings of tapestry, with fine linen, and perfume of myrrh, aloes and cinnamon;" and the victim of the pagan devotees, when he stretched forth his feeble hands and raised his failing voice to save the Union he so dearly loved, was saluted with jeers, scorn and contempt, and anathematized as another Benedict Arnold, and hounded to his grave.

With this explanation of the manacled condition Mr. Webster was in when the debate opened, we can understand why he was forced to take a position he was unable to maintain. He saw, as expressed by Senator Lodge, that the facts were against him. The Law of Nations was against him. The Constitution, in letter and spirit, was against him. Its casement of gold was studded all over with those jewels—richer and rarer than diamonds and rubies—"The States," "The States." He could not resort to the Law of Nations because he would therein encounter the Sovereignty of each State. He would be compelled to admit that the Constitution was a compact between thirteen sovereigns, and place himself at the mercy of Hayne and Calhoun. His only recourse, as already said, was to assert boldly, brazenly and hopelessly, in

the frowning face of the Constitution, and of its history rebuking him, that the people as a mass, without regard for State lines and jurisdiction, and their sovereign rights and powers, had acted as one body in framing and adopting the Constitution. But, to "render unto Caesar that which is Caesar's," it must be said that such was the power and skill of this Herculean gladiator, battling manacled and fettered, with the odds against him, although under the rapier thrusts of Hayne and the carving by the Damascus blade of Calhoun, he fell "bleeding at every pore," he "made the worse appear the better reason" and persuaded the sympathizing populace of the North that he had gained the victory.

And this adjudication by the Puritan populace was not the first final judgment that had been handed down by that august and terrible tribunal. These Judges presided in the Coliseum and when they turned down their thumbs the thirsty sand drank the hot blood of barbarian captives. These Puritan Judges presided when the great question involving Divinity—"Shall I release unto you this man in whom I have found no fault?" was submitted to them by Pilate for their irrevocable decision. And these Judges shouted—"Away with this man, and release unto us Barabbas." These Puritan Judges presided in Paris over the deliberations of the Assembly, directed the counsels of the Committee of Safety, and pronounced final judgment from which there was no appeal. They even marched in the wake of the busy impartial tumbril that rumbled over the stones of Paris, freighted, now with a King, now a patriot, now with a pauper, and then with a Queen. A few of these Judges attended, carrying their knitting, and sat in the shadow of Madame Guillotine, to see that their decrees did not fail. These are the same Puritan Judges who established slavery in Massachusetts in 1703 by statute, and refused, after many attempts, running through eighty years, to abolish it by statute; and at some hazy unrecorded date between 1776 and 1836, adjudged it abolished "by the declaration of Independence," or by decision of Lord Mansfield in the case of the negro, Somerset, in England in 1772, or by the "Bill of Rights" in the constitution of Massachusetts adopted 1780, "or by public opinion" (the populace). These

are the Puritan Judges who, for many years, punished alleged criminals whose offenses were not defined by law, nor to which was any defined penalty affixed—the discretion of these Puritan Judges being the only limit. Says Mr. Moore in his "Notes,"—"Public opinion, at once the Great Ruler, Law Giver and Judge of the Anglo-Saxon Race (the Puritans) has held its throne and seat nowhere more firmly than in Massachusetts. The slave was emancipated by the force of 'public opinion,' and the same authority, without the absolute declaration of forms of law, continued (after such emancipation) to exclude the negro from actual, practical equality of civil and political as well as social rights." He adds, "The fact that Daniel Webster had not been able a few years before his death to determine the question satisfactorily is pretty good evidence that it was doubtful." The Constitution they adopted in 1780 was silent on slavery. It read—"No part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his consent, or that of the representative body of the people," and "no subject (citizen) shall be deprived of his property but by the judgment of his peers, or the law of the land." At that time slaves valued at a half-million dollars were owned in Massachusetts, and the next year were advertised as usual in a Boston paper for sale.

But that omnipotent "Lawgiver—public opinion"—"the populace," assembled in the shops, on the wharves in the cod-fisheries and slums, and sat on the question, and wrote into the silent Constitution, with invisible ink—"negro slavery is hereby abolished." Before this was issued, the negro slaves in the Puritan Commonwealth had disappeared to reappear in warmer latitudes. Meantime, these Puritan Judges, whose ancestors presided over Destiny on the high Bench in the Coliseum, but whose near kin, as history discloses, were the Judiciary in Paris during "The Reign of Terror," had, in spare moments when not sacrificing to Mammon, taken up the preamble to the federal Constitution and found written between the lines the declaration that Nullification and Secession were treason to be punished with death. And Daniel Webster, the expounder, par excellence, of that marvel of human wisdom,

adopted, for a valuable as well as blood consideration, the interpretation put on it by his Puritan kin. It is with this senator and statesman, and with with the populace, innocent and ignorant of the laws—international and constitutional—that we have our cause of quarrel, and I now resume my humble effort to show his fatal error. I have quoted what he said the people had done in the three years between his reply to Hayne and his reply to Calhoun. The question which, as I have said, in my opinion, remains as unsettled as it was in 1787, is so momentous, that I beg to be excused for repeating here a few of Mr. Webster's opening words:

"There has been a time when, rising in this place, on the same question, I felt, I must confess, that something for good or evil to the Constitution of the country might depend on an effort of mine. But circumstances have changed. Since that day, Sir, public opinion has become awakened to this great question; it has reasoned upon it as becomes an intelligent and patriotic community, and has settled it, or now seems in the progress of settling it, by an authority which none can disobey—the authority of the people themselves."

In the history of debates, in all ages, no speaker, in my opinion, has ever, within the compass of so few words, passed such a withering judgment of condemnation on himself, or made such a damaging confession in open court. One or the other of the two conclusions those words make inevitable is, either Mr. Webster was not the learned lawyer Fame had crowned him as being, or, if such a great lawyer, he spoke as a purchased advocate. I shall endeavor to make the truth so plain that those who are not lawyers will see it clearly. Should I fail my weakness will be responsible and not the facts and the law.

There was no Union of the States before the Constitution was adopted. The preceding Confederacy was not a Union. It is clear that the Constitution was the bond that brought the States together. It is equally true that the Constitution was then and is now the only force that holds the States together. If it were repealed to-morrow there would be no Union, because it alone commands what must be done to keep the federal government in operation. If there were no federal

government there could be no Union. The States would automatically return to the position each held among the family of nations before the Constitution drew them together; and as each returned to its original position, it would carry with it unimpaired every attribute of sovereignty and the free exercise of every attribute. It is undeniable that each State before the Union was as perfect a sovereign as ever existed under any name or having any form. Each State, being sovereign, was necessarily a law unto itself. The reason for this is the same on which the Apostle based his remark that "the heathen is a law unto himself." It is because he was in a state of nature, and, as an individual, there was no law but the law of nature that bound or controlled him. Each State was independent of all laws except those that bind a man in a state of nature, that is, before he unites with other men for purposes to be agreed upon by them. Each State, being an entity like a man in a state of nature, was bound by no laws except those that control nations in their outward relations, that is to say in their relations to each other, and those laws are what nations have agreed to be just, humane and equitable, and which are compiled under the title "The Law of Nations." All other laws of a Sovereign are those for internal economy, or polity, and which a Sovereign makes by himself, or by some agency to which the Sovereign delegates his or its power to enact law for him or the people and for the government of his subjects or its citizens. Thus a State or nation is governed by two codes of laws—one operating exclusively within, the other operating beyond its geographical borders. Just what are the powers, rights and privileges of a nation or State has not been definitely determined and catalogued. Those attributes arise from nature just as do the privileges, right, et cetera, of a man in a state of nature. It is difficult to state them on paper. However, without poetic license, it may be said, "he is monarch of all he surveys" until other men appear on the scene. Vattel in his standard work, "The Law of Nations" says, among his "Preliminaries,"—

"Nations or States, being composed of men naturally free and independent, and who, before the establishment of civil societies, lived together in a state of nature." "Nations, or

sovereign States, are to be considered as so many free persons living together in a state of nature."

Every man in a state of nature is under obligations to other men, imposed by nature, which he must discharge. These obligations impose duties. As every man by nature has the right to life, liberty and happiness, he is under obligations to all men living in a state of nature not to do anything to deprive any other man of those rights. And this law of nature is the fundamental law that binds every nation, State, or sovereignty in any form. Nations, therefore, are aggregations of men living as to each other in a state of nature. There is no other law by which they are or can be governed, so long as they remain separate, or do not change their natural status by voluntary act.

CHAPTER XIX.

THE FACTS WERE AGAINST WEBSTER.

There exists throughout the North, and especially in that most enlightened region where fanaticism and avarice are the infallible interpreters of right and wrong, what seems to be a very indefinite idea of a sovereign, or of what constitutes sovereignty. This vague conception has already cost the sacrifice of a million lives and five billion dollars. This was the cash installment paid daily during four years. The money—probably a hundred-billions—the producers and skilled labor have paid since 1865 to the New England philanthropists for standing on guard to protect them from foreign paupers, is not and never can be known. I shall endeavor to throw some light on the nature of sovereignty, especially of the sovereignty of our States.

Vattel, on page 2, of "Law of Nations." says: "Every nation that governs itself, under what form soever, without dependence on any foreign power, is a Sovereign State." It is important to bear in mind that there can not be a nation or a State without an aggregation of human beings. This definition of a sovereign does not embrace the United States, or the States United. The government that represents them, is not without dependence on a foreign power. That foreign power was thirteen States in 1787 and is now forty-eight States.

1st. A sovereign State is an assemblage of persons who govern themselves.

2nd. A sovereign State is an assemblage of person who govern themselves without dependence on any foreign power.

3rd. Only such a nation is a sovereign State as is vested with all the attributes of sovereignty.

When the nine States agreed to the Constitution, it was no more than a written document that expressed what the States had agreed to. The Constitution received nothing from the ratifying States. Not one power or privilege common to all the States passed to or into the Constitution, although it was

and has ever been Mr. Webster's "noun-substantive." The powers and privileges and all attributes of sovereignty must from necessity be vested in some person or persons. As already said, they may be held by one man—as a King, Monarch, Emperor or Czar—or be held by thousands, or millions of men —as in a Republic or State. Hence, the Constitution was not even the repository of any kind of powers that belonged to the States singly and collectively. For the same reason the government, or the departments thereof, did not receive from the States singly or collectively a single attribute of sovereignty. The government of the United States is based on and stands upon the Constitution. There is no government until the offices named in the Constitution are filled by men chosen by the States—each acting separately. Before that event the government of the United States could take no sovereign powers. There can be no nation, or State, no government, no sovereignty, without flesh, blood, bones, mind and will. These are not qualities of a government. A government is nothing more than sovereignty in action. But, even after the offices named to make a government of the United States are filled by appropriate officers, not one attribute of sovereignty passes from a State, or the States, to or into the government of the United States, or to or into the officers filling the offices which are necessary to constitute a government. If a single attribute of State sovereignty could pass to the federal government, it would remain there vested with all its original vigor and indestructibility. Not only that, but the power once freely and voluntarily granted is irrevocable.

Vattel says, "Every nation that governs itself, under what form soever, without dependence on any foreign power, is a Sovereign State." The word "foreign" here is not used in the sense of distance, but in the sense of independence of some other power or government. In the entire history of the world no government has existed that was more dependent on a foreign (or other) power than the government created by the thirteen States. The thirteen Sovereign States gave it life. Those and other added States have kept breath in its body, and but for their support it would vanish like a vision from the earth, and we could exclaim, "The earth hath bub-

bles, as the water has, and it was of them." Is such a government, in any sense, in any particular, sovereign? If it has one attribute of sovereignty, where, in what, in or on whom is it lodged? Is it in the people of the United States? There are no people of the United States. That was one of Mr. Webster's subterfuges when replying to Mr. Calhoun. He was drowning and he grabbed a straw—"help me, Cassius, or I sink." Mr. Lodge is fair enough to say the facts were against Webster in his debate with Hayne and Calhoun. In the preamble to the Constitution he found comfortably ensconced millions of people whom he greeted as "We, the people of the United States," distinct from, acting independently of, the people of each State—or thirteen separate peoples, citizens of thirteen separate States. And his followers and dupes ever since 1833, like men drunk to saturation, have been two separate bodies of people, one in each of the States divided—the other in the United States—or States United. In the popular mind the United States is a very distinct entity—or force—from the States United. It is a world power now, separate from and superior to each State or all the States United. This is a very wild, costly and dangerous delusion.

I have said there was never a government so dependent as the United States. Instead of having a body of citizens of its own on whom to draw for civil officers, it has not one in all the forty-eight States. The States supply from their own citizens men to be President, men to be senators, men to be representatives, men to be judges, men to be diplomats, consuls, revenue collectors, men to pay pensioners; and even that glorious band of patriots made up of some honorable, deserving, brave men, and (side by side) of a gang of deserters, bounty jumpers, tramps and perjurers, are citizens of the several States. This boasted federal government—this agent of each and all the States—that has become diseased and dropsical and swollen out to be an empire, when it gets pugnacious and decides to fight, has to ask the States to let it have soldiers to do the fighting.

But, after the States supply the federal government with men to fill the civil offices, and the government is in full operation, in whom can its sovereignty, if any, be vested? It

must be borne in mind that sovereign attributes belong to a human being—to a sole governor, as a monarch, or to an aggregation of human beings, as is each of our States, and that there can not be any semblance of sovereignty in a written paper, or in the machinery called government. It must follow, therefore, that the sovereign attributes, if any, are vested in the men who fill the offices and operate the machinery. But this is impossible. These officers are transient. Their official lives are limited. They cannot live beyond a certain year, day and hour. If they hold the powers of a sovereign, what becomes of those powers when the officers die, resign, or go out by limitation? If they belong to the officers, (and there cannot be a federal government without officers) when they die or resign the sovereignty would expire also. It is very certain that the sovereign qualities cannot abide in the air awaiting a successor in office. They do not belong to or constitute a part of the corporation, or body politic, which is an imaginary machinery, and, like the earth, "was without form and void," until men from the States set it to running. Until officers were elected and assumed the offices, there was nothing but a writing called the Constitution.

This question that has caused so much murder, so much waste of property, and lifetime suffering and heart-breaking, divested of the metaphysical gipsyism with which federalists have swindled the American people since 1789, when subjected to the simple rules of common sense applied to the history of the thirteen States and of the Constitution, and of the government conducted by the States acting together, that is called the United States, is neither a marvel nor a puzzle, it is not a riddle of Oedipism nor of Samson. If we go back to 1787 and fix in our minds what each State was (free, independent, and in every particular and aspect sovereign—more so than King George III), then read the Constitution and get its spirit and plain language, and then follow the federal government through Washington's first administration, we cannot fail to see where sovereignty, one and undivided, is held and by whom. I say through Washington's first four years simply to show the practical working of the Constitution.

I must apologize to the reader again for going over ground already traversed in part. My desire to make this view of the analysis of our Constitution so plain that no man can fail to understand the relation between the States and the federal government, is my only excuse for this partial repetition. I believe this to be the most important knowledge that can be acquired by Americans old and young. Had it been a part of the text books in every school, from the beginning of the federal government, I confidently believe the war of 1861 would have been postponed and possibly avoided. I do not say it would not have burst upon us later, for Puritan fanaticism which brewed that storm "is not dead, but sleepeth" with one eye awake. Since its vulgar familiarity with the last object of its professed Samaritan altruism it has found reasonably active occupation in kicking the negro out of its Northern house and teaching him Latin, Greek and social equality in the South, at the expense of his late impoverished master. This gentle exercise is only indulged in because its twin devouring monster—Avarice—for fifty years, has been busy robbing the poor after hypnotising them by flattery and lying; by protesting friendship—"a charm to lull to sleep," and whining that it was going lean and hungry that they might live like lords, compared with foreign laborers.

There is still another view, that to the writer's mind is conclusive of the agency of the federal government, and, a fortiori, of its subordination to the States, and of the complete sovereignty of each of the thirteen States and of every State admitted into the Union. It cannot be denied that each of the thirteen States possessed every attribute of sovereignty before and when they agreed to and adopted the Constitution. It cannot be denied that the citizens of Massachusetts were not citizens of any other State, and so of the citizens of every other State. It is also true that the citizens of Massachusetts and of the other twelve States acted without the co-operation, in any form and to any degree, of the citizens of any other State. It is, also, equally true that there was no out-lying territory beyond the borders of the States when the federal government was organized, and that whatever territory the United States acquired and held before the purchase of the

Louisiana tract, was donated by one or more of the States. Therefore, there were not any people or citizens of the United States, or States United, when the Convention was agreed to and adopted in 1787. And when the Convention wrote in the preamble to the Constitution, "We, the people of the United States," it was impossible for them to have meant any body of the people except those who were citizens of the respective States then represented by those deputies who were speaking, and which States were to act on the document when it should be submitted to each State to ratify, or to reject. With the foregoing premises undeniable, it seems to be a short step to the logical conclusion that the sovereignty of each of the thirteen States is as full and unimpaired as it was on the day Great Britain acknowledged each to be a free and independent State.

The contention of the federalists is that when the nine States ratified the Constitution, and it was put into operation, they conferred a part of their sovereign powers irrevocably on the federal government. I have already shown that sovereignty cannot be conferred on an inanimate thing; that nothing but human beings can be vested with even a single power, privilege or quality of sovereignty. Therefore, if the States, acting separately, parted with a part of their sovereignty, those parts had to be vested in grantees that had flesh and bones, mind and will. Where were the grantees who took, or were intended by the grantors to be the recipients of those sovereign, regal attributes, with power to involve the grantees in war; power to tax the grantors and their heirs and children without limit and without responsibility? It must be remembered that when one man makes a grant of property there must be some one to receive the title. For every grantor there must be a grantee. A man owning an estate in fee simple, cannot make a deed of that property to himself. The grantee must be another human—man or woman—male or female. Now, as there were no other people in the States, other than those who were speaking in and by the Constitution, if they were trying to confer the full title to their right and power to declare war and to levy taxes, they were attempting to perform a feat that in law—in municipal law, by

the law of nations, by the law of common sense, it was and is impossible for a man, or nation, or emperor, or State, to accomplish—that is, for a man, or nation, owning the absolute perfect title to anything that man can own, to make a deed to himself of that property.

When the people of the thirteen States said, "Congress shall have power to do" many acts, as, for instance, to declare war, they were speaking of a body of men to be selected from themselves, from their own ranks. When George Washington, as a deputy, said, "there shall be a President of the United States," he was preparing to appoint himself to that office. When he said, "the President shall have power to nominate judges, ambassadors," etc., he was granting that power to himself. All the powers granted by the Constitution were granted to the people who made the Constitution. It was a family arrangement made by thirteen political neighbors to have a common agent to manage certain parts of their individual business that each could not manage so well. It was a compact for mutual safety. It was a trusteeship for the use and benefit of all alike, having a common and equal interest. It was in no sense an agreement to strip themselves of any sovereign attribute. No necessity existed for that sacrifice. The deputation, the grant of powers, was not to and on a foreign nation, people, or State, that could receive and hold them. The people of the States, so far from giving away any of their powers were conserving them, acting on the truism "in union there is strength."

Under the popular conception of the federal government, according to the construction of the Constitution by farmers, fishermen, sailors, draymen, bootblacks, gamblers, et id omne genus, who had got the kinks out of Webster's head that were there in 1812, and got him on the right track to debate with Calhoun in 1833, and which construction produced the war of 1861? Mrs. Shelley's intoxicated imagination drew, with prophetic accuracy, the forecast of the people in these States United, when she bodied forth the meddling fool, Frankenstein, who fell to meddling with the laws of nature and produced a monster that tormented him first and then destroyed him. If that popular opinion of the federal government be

correct, Frankenstein, the creator of it, is dead and the creature that destroyed him has his powers and attributes and can, without let or hindrance, destroy at will. If this view be the law, it were far better to have remained with a fostering mother than to go into the wilderness and give birth to a lawless, Godless, brutal child that robs and murders like a pirate and spends money like a bawd. This construction, devised by Mammon and enforced by fanatics, transformed Elysium into Pandemonium, and, although the fire is only smouldering, the demons, the fanatics, who fanned it into a whirlwind of fiery tongues, are still on hand.

CHAPTER XX.

WEBSTER'S "PARENTAL" FALLACY.

Facing all these familiar facts, and I might say family history, Mr. Webster, in reply to Calhoun, is driven by them to resort to chicanery and charlatanry so open as to justify the belief that he was speaking to earn his fee, or pension. He says: "Let me inquire what the Constitution relies upon for its own continuance and support. I hear it often suggested that the States, by refusing to appoint senators and electors, might bring this government to an end. Perhaps that is true; but the same may be said of the State governments themselves. Suppose the legislature of a State, having the power to appoint the governor and the judges, should omit that duty, would not the State government remain unorganized? The maintenance of this Constitution does not depend on the plighted faith of the States, as States, to support it; and this again shows it is not a league. It relies on individual duty and obligations."

What shall we think of the Great Expounder of the Constitution, who denies facts written all over the face of that instrument? This is the natural offspring of the parental fallacy—"We, the people of the United States * * * do ordain," etc. He is constantly confounding the Constitution and the government as one, and using them as equivalents. They are as different and distinct as the ground and the building standing on the ground; as variant as the plans and drawings of an architect, and the house built according to those plans. The Constitution has no maintenance, no support, in the sense he speaks of. It is the government created in compliance with the Constitution, which, he says, does not depend on the plighted faith of the States, as States.

Let us, at the expense of a little repetition, "take the latitude" of this statesman, who, like "the mariner when he has been tossed for many days, in thick weather, and on an unknown sea, naturally avails himself of the first pause in the

storm, the earliest glance of the sun, to ascertain how far the elements have driven him from his true course." There is not a paragraph, a sentence, a line, phrase, or word in the Constitution from which a sophist, however reckless, can draw the remotest implication that the Constitution, or the government erected on it, depends on anything but the States, as States. The States acting separately framed the Constitution. The States acting separately at different times, each within its own boundaries, adopted, or ordained the Constitution. The States acting separately appoint electors who elect the President. The States acting separately elect Representatives and Senators. In short, there can be no officer of the government, no tariff, no revenue, no army, no navy, no courts, unless the States as States, acting separately, elect Congressmen, and electors who elect the President.

The Constitution cannot be amended except by the States acting severally. The people of all the States acting together cannot meet and amend, or abolish the Constitution. All the voters, fifteen or more million strong, might meet and ordain amendments to the Constitution, and their enunciations would be as idle as the croaking of a frog. They, en masse, did not make it, and they cannot unmake it. And why? Because the writing prescribes how it can be amended, and no other power but the States, acting separately, can touch it. The voters of thirteen separate States have directed how the Constitution can be amended, and there can be no other way so long as that condition is in force. The people, en masse, that is, the people counted together as a whole, as the people of France, or England are counted, have no connection with the federal government. In that sense, there is not a single attribute of sovereignty in the ninety million people. In that sense there are no people of the United States. The Constitution—the government's only chart, its only raison d'etre, its life-breath—knows nothing of the solid mass of people. They did not appear as a factor in making the Constitution, nor in putting the government in running order, nor in keeping it going. This is demonstrated by the fact that no man can vote outside of his own State. As soon as he passes the boundary of his own State he loses the power by which alone,

under our State laws, he can act as one of the citizens of a sovereign State. As a citizen of the United States he has no ballot; he has no domicile, no testamentary capacity. The only point at which the government touches the entire people is by taxation, direct or indirect. There is not one act relating to the government that the entire people, acting together, can do. Even direct taxes must be apportioned among the several States according to their respective numbers.

But Mr. Webster proceeds with innumerable errors begotten of their natural mother—"We, the people of the United States * * * do ordain," etc. Here is a small select group:

"The Constitution of the United States creates direct relations between the government and individuals."

Yes, but who and what are these "individuals?" They are the citizens of the several States, and each one constitutes a part of the sovereignty of each State, over whom the thirteen States, acting independently and separately, gave the federal government each and every power it possesses, and then said, "these few powers you can exercise exclusively for our benefit, and not one more." There were no other people than those in the States and there were then no territories.

Again, he continues: "This government can punish individuals for treason and all other crimes in the code when committed against the United States." These individuals, as a part of sovereign States, ordained by the Constitution they framed that the federal government should have power to protect itself from injury or destruction by treason, and to punish all crimes committed against it. This is what Mr. Webster calls such direct relations between the government and the people or individuals, as to prove, to some extent, that the entire mass of the people then in the thirteen States, without regard to State lines or localities, came together and ordained the Constitution.

Again: "It has power also to tax individuals in any mode, and to any extent, and the further power of demanding from individuals military service." No government can be operated without money, and the power to tax for that purpose had to be given. But, from that does it follow that the whole people, regardless of States, conferred that power? A govern-

ment given power to wage war must have an army. Where else can it get soldiers but from citizens of the States? There are no other people in the United States. But the same question comes up, growing out of the first fallacy—"We, the people"—which question is—Who and what are these individuals or citizens who may be soldiers? And the same answer is inevitable. There were no individuals—not one—except those who owed allegiance to their respective States, and who were part of the people who constituted the sovereignty of each State, and who framed and afterward agreed to the Constitution. But Mr. Webster failed to quote a very essential part of the Constitution relating to military service. The government cannot, at will, reach out and grab individuals by the hair and force them into military service. When Washington became President, although he was commander-in-chief of the army and navy, he had not a soldier or sailor under his authority. The President when he needs soldiers, must request the governors of the States to supply him, and the governors consenting, have the reserved power to name the officers of the companies, battalions, or regiments he orders out.

Mr. Webster had to notice Mr. Calhoun's remarks on the sovereignty of the people of the States. This was an obstruction in his path which he could not surmount. This performance was indeed the most admirable piece of art of the many that form the mosaic of this wonderful exhibition of Jesuitical evasion. Cagliostro never surpassed in grace, dignity and apparent delight his reception of an unwelcome creditor, or officer of the law, nor dismissed him with more consummate skill, than Mr. Webster took up and despatched Mr. Calhoun's argument on the sovereignty of the States. His action has a parallel in the magic of the east. The Hindoo magician comes in, bares his arms, takes the child from the basket, fondles it, smiles on it, kisses it, tosses it from hand to hand with grace, skill and strength, and as the spectators wonder what he will do with it, he suddenly throws it in the air above his head and it disappears forever. The spectators are delighted, they applaud, the magician bows his acknowledgment, and the

crowd disperses, wondering what had become of the child. This specimen is worthy of quotation:

"Mr. President, the nature of sovereignty, or sovereign power, has been extensively discussed by gentlemen on this occasion, as it generally is when the origin of our government is debated. But I confess myself not entirely satisfied with arguments and illustrations drawn from that topic."

As Samuel Weller says—"that is a self-hevident proposition." No man standing on the preamble to the Constitution and drawing from it material for warfare could be "satisfied" with Mr. Calhoun's demonstration that the people in each State were sovereign, and that the Constitution was framed and ordained by thirteen separate peoples, because that is fatal to "We, the people of the United States."

Again: "The sovereignty of government is an idea belonging to the other side of the Atlantic. No such thing is known in America. Our governments are limited. In Europe, sovereignty is of feudal origin, and imports no more than the state of the sovereign. It comprises his rights, duties, exemptions, prerogatives and powers. But with us, all power is with the people. They alone are sovereign; and they erect what governments they please, and confer on them such powers as they please. None of these governments are sovereign in the European sense of the word, all being restrained by written Constitutions."

Here is his oft-repeated error, or sophism, in speaking of the sovereignty of government. No government is sovereign anywhere, except where a king or monarch, czar or emperor holds in himself all the elements and machinery of government. That which ordains government, whether one man, or millions, holds the sovereign power. Government is no more than sovereignty in action; or, as he says in the last quotation—"sovereignty is the state of the sovereign and comprises his rights, duties, etc."

Again: "It seems to me, therefore, that we only perplex ourselves when we attempt to explain the relations existing between the general government and the several State governments according to the ideas of sovereignty which prevail under systems essentially different from our own.

Yes, Mr. Calhoun's reasoning did give Mr. Webster "perplexity" enough, and the juggler tosses the question of State sovereignty, which he had fondled so lovingly, high in the air, to be seen no more in that debate.

Mr. Webster's change of position, not change of opinion, on Secession, in 1833, was his fatal mistake. He had warned President Madison in 1812 that the embargo might cause separation (secession) of the New England States. In 1830 he had not changed that view of the Constitution which he had been studying for thirty-one years. But his clientele and constituents changed their position, and in the debate of 1833 he put aside his opinion and maintained their view, as he was employed in their interests. That his first opinion had changed there is no reason to believe except by his acts, because in 1850 he asserted as true that an agreement, or contract, or compact, broken on one side is not binding on the other. He was speaking of slavery and the nullification by Northern States, and Legislatures and mobs in those States, of the fugitive slave laws passed by Congress. If the covenant had been broken by the North the South was free and could secede. That was his declaration in 1850 when the snows of winter had cooled the ardor of youth, and when he saw the ruin his treacherous tongue had wrought.

The first wicked lie must have a large progeny to help the guilty one out of the scrape. So was it with Mr. Webster's first fatal mistake, when, being overwhelmed, he took refuge in the preamble to the Constitution, and seized on "We, the people," for defense.

Here is another false position, born of the first prolific error. When reminded that the States by non-action could destroy this big bully that was riding over and trampling down his parent, he answered—"The Constitution utters its behests in the name and by authority of the people, and it exacts not from the States any plighted public faith to maintain it. On the contrary, it makes its own preservation depend on individual duty and individual obligations. Sir! the States cannot omit to appoint senators and electors!" (There is something thrillingly assuring in that prounciamento by such high authority! Now, observe the convincing reason.) "It

is not a matter resting in State discretion or State pleasure. The Constitution has taken better care of its own preservation. It lays its hand on individual conscience and individual duty. It incapacitates any man to sit in the legislature of a State who shall not first have taken his solemn oath to support the Constitution of the United States. From the obligation of that oath no State power could discharge him. All the members of the State legislature are as religiously bound to support the Constitution of the United States as they are to support their own State Constitutions. Nay, Sir! they are as solemnly bound to support it as we ourselves are who are members of Congress."

In all forensic advocacy, political debates and judicial announcements in this country, from the Revolution of 1776, to date, there is no utterance that approaches this in apparent simplicity of abiding faith in the unyielding virtue of the "individual conscience" and the martyrdom of politicians. "Individual Conscience!" "Solemnly sworn to support the Constitution!" "Religiously bound!" And, this, too, by one of America's greatest intellects and reasoners; this from the son of New England, who, like Saul of Kish, towered head and shoulders above all her other sons! How true that the first lie breeds a big family of lies. At the moment when this man was fighting behind the preamble to the Constitution, and was crying against his opponents—"Oh! ye of little faith," people, preachers, members of legislatures who had sworn to support the Constitution of the United States which recognized slaves as property, had turned thieves and were stealing negro slaves through the South and sending them to Canada by the Underground Railroad. It was about this time that Henry Ward Beecher, after midnight, took two negro women in a conveyance at Cincinnati, and, with the aid of another man, drove them back in the woods of Ohio and delivered them to a man whose business it was to receive stolen negroes and forward them to Canada. And Mr. Webster lived to see the majority of legislators of Northern States perjure themselves by enacting statutes expressly to oppose and nullify the fugitive slave laws of Congress. Yes, and he lived long enough to see this perjury and mob-rule, and stealing of

negroes reduce the South to the condition which, in his opinion, expressed in the memorial to President Madison, made secession not only justifiable but a necessity. And in his speech at Capon Springs, Va., in 1850, he, as has been stated, told the country that "a contract broken on one side is not binding on the other."

Mr. Webster indulged himself in such fustian, rant and pedagogic bombast as the following:

"Sir! I must say to the honorable Senator that, in our American political grammar, Constitution is a noun substantive; it imports a distinct and clear idea of itself; and it is not to lose its importance, and dignity, it is not to be turned into a poor, ambiguous, senseless, unmeaning adjective, for the purpose of accommodating any new set of political notions. Sir! we reject this new rule of syntax altogether. We will not give up our forms of political speech to the grammarians of the school of nullification. By the Constitution we mean not a "constitutional compact," but simply and directly the Constitution—the fundamental law; and if there be one word in the language which the people of the United States understand, it is that one word. We know no more of a "constitutional compact" between sovereign powers than we know of a constitutional indenture of co-partnership," etc.

Poor Mr. Calhoun! To be lectured in that pedagogic, pedantic, Puritanic, New Englandic and bossing style about his bad grammar and unconstitutionality in using the phrase "constitutional compact," and that, too, in public, in the United States Senate, and to be chucked about the head with "nouns substantive," with "Sirs!" with ambiguous, senseless, unmeaning adjectives," and all this castigation only because he had made one mistake in his speech on the Force Bill a few days before he received this spanking by the greatest of all New England's pedagogues. Mr. Calhoun did say "constitutional compact." He was caught in the act. He had the goods. He was guilty, and he was punished in the good old way adopted by Puritan manners and conscience. That is, he was pilloried. What could he say or do but plead guilty?

The reader will bear in mind that after the debate between Hayne and Webster in January, 1830, a bill was introduced in Congress to force South Carolina, by military power, and that bill was called the Force Bill. Between 1830 and 1833 Mr. Calhoun entered the Senate, and in January 1833 he had delivered a speech on the Force Bill, in which he used the words "constitutional compact." To this speech Mr. Webster replied on January 16th, 1833, and from that speech the quotation above is taken. Mr. Calhoun then delivered a speech (January 26th) as a rejoinder to Mr. Webster's reply made to him on January 16th. In this rejoinder Mr. Calhoun did the very best he could. He said:

"I regret that I exposed myself to the criticism of the Senator. I certainly did not intend to use any expression of a doubtful sense, and if I have done so, the Senator must attribute it to the poverty of my language, and not to design. I trust, however, the Senator will excuse me when he hears my apology. In matters of criticism, authority is of the highest importance, and I have authority of so high a character in this case, for using the expression which he considers so obscure and unconstitutional, as will justify me even in his eyes. It is no less than the authority of the Senator himself."

Mr. Calhoun then read a paragraph in Mr. Webster's reply to Hayne in 1830, and continued: "It will be seen by this extract, that the Senator not only uses the phrase "constitutional compact," which he now so much condemns, but, what is of still more importance, he calls the Constitution itself 'a compact'—'a bargain,'—which contains important admissions having a direct and powerful bearing on the main issue involved in the discussion, as will appear in the course of my remarks."

Mr. Webster had said in his speech in reply to Calhoun's on the Force Bill, "When sovereign communities are parties, there is no essential difference between a compact, a confederation, and a league." Here was an admission that put him out of court. In his reply to Hayne he said nothing of "We, the people," but when he admitted that an agreement between sovereigns is a compact, or confederation, he had to resort to the preamble to argue that the people, en masse, and not the

States, which he could not deny were sovereign, had framed and ordained and ratified the Constitution.

Well may Mr. Webster's biographer, Mr. Lodge, frankly admit that the facts were against him in this debate, and that the populace wanted him to win, and, therefore, he won. His logic was not to blame. The cause he espoused defeated him. he was on the wrong side. The counsel and advocate was earning his pension. He choked into silence his conscientious conviction of thirty years on secession, and forgot his duty to his country.

CHAPTER XXI.

WEBSTER'S MISINTERPRETATION OF THE "PREAMBLE."

We see this redoubtable Chieftain of New England dodging the "the States" that stand as inspired interpreters all along the Constitution, and resorting to the expressionless preamble for inspiration to tell the world what the Constitution means. The preamble is no more a key to that structure than a portico is evidence of the contents of a palace; or the "Oyes! Oyes!" of the crier of a court is an announcement of a decision the Judge is about to deliver. The preamble really seems about as useful to us to teach what the Constitution contains, as would be a door-mat to unlock a door to see what is in the house.

The preamble does not contain a single declaration of anything the people intended to say in the Constitution. It is a declaration of what they expected to accomplish by making a joint agreement—"to form a more perfect union, establish justice, insure domestic tranquility," etc. The convention could not say,—"We, the people of Virginia, Georgia, Rhode Island, New York, etc., do ordain," etc., because that would have assumed that all the States would accept the terms of the writing. The delegates might have been severely criticized had they named the thirteen States, as only nine were required to accept to give life to the agreement. It would have been "counting chickens before they were hatched" to have named all the States. They could not select any nine as certain to agree. As it was, some took two years to decide, and some agreed by a bare majority. Hence, the delegates had to say, "We, the people of the United States."

We have heard him assert that the people had already waived aside the Judges who wore gowns, and had taken up the Constitution, and, after due consideration, without argument, had decided that that contract made Nullification and

Secession treason. We have heard him announce that the Constitution made provision for its own preservation and is, in no sense, dependent on the **States** for protection, or its life. We have heard him give as the reason for this protection, that legislators, who had sworn to support the Constitution, would not **violate that oath!**

Can any lawyer, or judge, who is not a blind partisan, say that the "Great Expounder of the Constitution" was honest in that debate? Did he not weigh the value of Protection to New England against the safety of the Union, and tip the scales in favor of Protection? He was too great a lawyer not to know that he was trifling with the destiny of the republic—that, as Captain in command, he was heading for the breakers! I have said he had carefully surveyed the field of battle and he saw the coming struggle would not be determined by the Constitution, but that it would turn on **the Laws of Nations.** Knowing this, he, throughout two debates, took his stand on the Constitution—in solido—and its preamble, and fired a hundred rounds, thunderously, with "the Constitution"—"the government"—"the people"—"the people!" And when Calhoun challenged him to leave the Constitution and to make the gage of battle on the broader field of "The Laws of Nations," he ignored the challenge and answered, "I stand, Sir, on the 'noun-substantive'—the Constitution."

In reviewing these debates, I have attained the point where it is in order to consider what seems to be the law that is the touchstone to determine the question made by the Northern States when the Southern States seceded. They assumed with the arrogance and defiance of numbers and superior strength:

1st. That the Union was formed to exist in perpetuity.

2nd. That, therefore, no State has the right to secede.

3rd. That all differences between States should be decided by the U. S. Supreme Court.

4th. That Congress, acting through the President as commander-in-chief of the army and navy, is vested by the Constitution with power to make war on a seceding State to force it to obey the laws of Congress; or,

5th. If such authority and power be not expressly given to Congress, still, they are necessarily implied, on the ground

that every nation has, by the law of nations, the inherent right to preserve its existence by any means; including war.

6th. That, as a corollary to the last contention, the U. S. government was a nation in 1861.

It will be observed that the Constitution is silent on every one of the six propositions. There is not a line or word in that writing that even remotely refers to any one of the six claims. Every one is an assumption. There is no positive law to support even one of them, except the fifth, and that has no pertinence to the question under discussion, unless the advocates of it will, also, assert as a necessary precedent ground that the government of the United States was a nation in 1861. I will anticipate an answer that will be made that the fourth contention by the Northern people is expressly provided for by the Constitution in these words, to-wit: "Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasions." This provision will be considered at the proper time.

A few general statements, although already made in preceding chapters, must be repeated in order to assure a clear understanding of the law, which, in my opinion, decides the dispute that, by a fratricidal war, has riven this country in twain.

First. In 1787 there were in this country thirteen sovereign States, each separate, free and independent.

Second. Each of those States, free and independent, sent deputies to Philadelphia to confer, and, if they could agree, to frame a Constitution on and by which a government might be formed to represent the thirteen States in the exercise of such of their powers as sovereigns must exercise in their relations to and with other sovereigns, and, also, to exercise a few of the powers that sovereigns exercise for domestic peace and tranquility, and for the interests and happiness of their subjects.

Third. The deputies, representing each State, should they agree on a proposition, were to submit it to their separate States, for separate action by each State, for the people of each State, acting separately, to approve or to reject the proposition.

Fourth. The deputies agreed on a proposition to be called a Constitution, which was submitted to each State and each State, acting separately, at different dates, within its own boundaries and in its sovereign capacity, at its seat of government, approved the writing and ratified the action of the deputies.

Fifth. The Constitution being thus agreed to, each State, acting separately, proceeded to organize a government in accordance with the terms of their agreement; each State electing electors to vote for a President and Vice-President; each State electing Representatives and Senators to Constitute a Congress; these electors from each State met in their respective States, elected a President and Vice-President; the President, then, with the consent of the Senate, appointed judges, ambassadors, consuls and all other executive appointees, and the federal government was organized to exercise the limited powers committed to it by the Constitution.

Sixth. By the Constitution the States expressly provided to retain absolute control of the government thus organized. They retained the elective franchise to be exercised by citizens of each State on terms to be prescribed as each State should desire and decide; and no citizen of one State can vote in any other State. They kept control of the Constitution by providing that three-fourths of the States can amend it in any particular—by adding to or taking from it. The power to enact a law carries with it the power to amend the law; and amendment covers subtraction as well as addition. Furthermore, the power of a sovereign to make its or his own laws includes the power to repeal those laws. So that, as sovereign States made this law—the Constitution—and agreed that three-fourths of their number can, at will, amend it; and as a sovereign that makes a law can repeal it, the number of States that can subtract can also repeal. Three-fourths of the States can amend by repealing the power to declare war, to levy taxes.

CHAPTER XXII.

AN AMAZING IGNORANCE AND A SUGGESTED SPEECH.

It is amazing to Southerners trained in the simplest laws and ethics that govern nations in their conduct inter sese, to see, hear and read of the childlike innocence and complacency of ignorance displayed by Northern historians, publicists and pamphleteers when pointing with pride to the final construction of the Constitution made "by the people." They style this unexpressed, unascertained, uncanvassed, and, therefore, unknown will of some of the people—no number nor locality stated—a construction of the Constitution, and a decision and judicial judgment of its meaning from which there is no appeal. With them it is the last word, a finality, although not one of the people—not even one of the imaginary judges consisting of the people—ever heard of, or dreamt of, or thought of the question in dispute.

Mr. Lodge says (as already quoted) that in 1830, Mr. Webster, in reply to Hayne, gave voice to the opinion of the Constitution as held by "the populace." What populace? Where were they? How, when and where did Mr. Webster learn what the Populace thought of nullification? He knew, as well as he knew where his home was, what the populace in and adjoining New England thought of secession. He had heard, a thousand times, probably, of their opinion claiming the right to secede. Up to 1830, no one at the North questioned the right of each State to secede. After Webster's speech in answer to Hayne, 1830, it is claimed that he had but echoed the popular decision. There had not been a gathering of the people; no meeting, not even a bar-room conference; but Mr. Lodge insists that the populace had spoken before 1830, up to which date the doctrine of secession had not been thought of in the South except when the press noticed some of the many threats by New England to secede.

A construction of the Constitution by the populace! Until 1829 the word Nullification had not been heard by the people, except by a few in New England. They, the body of the people, did not know the meaning of that word. Yet, we are to believe that the majority of the people had been for years debating whether the act of nullification by a State could be constitutional, and had decided it could not. Is there any other statement or contention by a historian that is or can be so absurd as this? That the people had ever come to an agreement against Nullification is absurdly false; any agreement, even if unanimous against, or in favor of, Nullification, would be equally absurd as a binding construction, or as a legal, or judicial opinion. No! this is but a blind. It is a soothing plaster to cover Webster's self-inflicted wound. It is a stalking-horse on which to escape the charge that his opinion of 1830 was the echo of the forty (40) manufacturers who guaranteed his pension for service rendered them in Congress.

If it is amazing to hear a learned writer, who is not a lawyer, speak of great questions arising out of the Constitution being judicially decided by popular opinion, what are lawyers and judges to think, say and do, when they hear the "Great Expounder of the Constitution" advance the same legal heresy, and see it planted in the mind of the rabble, or mob, to hatch out chaos? Near the opening of Mr. Webster's reply to Calhoun, he said:

"Mr. President, if I considered the constitutional question now before us as doubtful as it is important * * * this would be to me a moment of deep solicitude. Such a moment has once existed. There has been a time when, rising in this place" (when he replied to Hayne, 1830), "I felt, I must confess, that something for good or evil to the Constitution of the country might depend on an effort of mine. But circumstances are changed. Since that day, Sir, public opinion has become awakened to this great question; it has grasped it, it has reasoned upon it, as becomes an intelligent and patriotic community, and has settled it, or now seems in the progress of settling it, by an authority which none can disobey —the authority of the people themselves."

No demagogue, however skilled in his destructive art, has ever thrown to the mob a more dangerous apple of discord. It sounds as terrible as if it were the announcement of the decision of anarchists in convention with firebrands in hand. We hear its ominous echo each time the lion hunter from wildest Africa, in his wild hunt for the Presidency the third time, stabs his once bosom friend, and appeals to labor to fight capital and despoil it. In the debate with Hayne, three years before the above stunning announcement that "the people had settled the question," Mr. Webster had contended that the people of South Carolina could not decide and settle the question of nullification, because the Constitution had provided a Supreme Court to decide all such issues—such as the constitutionality of an Act of Congress. But the question of nullification and Secession could be settled by the people of the North, and there could be no appeal from that popular decision of the most important political question any people on earth ever had to decide—a question involving the life of a republic, and the happiness of millions then, and of hundreds of millions to follow.

That Senator Lodge should not understand the elementary Laws of Nations and the Constitution is not surprising. He is not a lawyer. Like John Fiske, he is a literateur, a historian, a renovator of old furniture for new shelves, a furbisher of thrice told tales, a decanter of old wines into new bottles; not a reasoner, but a narrator; a late recruit enlisted to maintain a losing cause for a private's pay. It is but a natural sequence that he should imagine that the only bond holding the States together is to be interpreted by the populace—laymen like himself. But he must be excused, forgiven, as we find that he has only paraphrased the "Great Expounder of the Constitution," his predecessor in the Senate.

Yet, Daniel Webster first announced the astounding discovery that the question which the wisest statesmen—himself among the number—had debated for years without reaching a decision, had been taken up outside by butchers, bakers and candlestick makers, and settled in favor of "the negative side." What a pity to waste so much ammunition after the war was over! To fight another battle of New Orleans and kill poor

Pakenham, and, that too by the Commander-in-Chief, who, we must infer, had read the popular pronunciamento.

Mr. Webster was a logician of great power. He knew the true from the false in logic. He was seemingly candid and above dissimulation. He appeared to be sincere in scorning resort to the arts of the demagogue. He spoke as if he despised pinchbeck jewelry and apples of Sodom. Give him a subject that embraces rugged Alps, to be scaled and leveled, and rayless caverns to be explored and illumined by the light of day, and those born with feeble vision can see their way. Give him a subject free from the gins and snares of partisanship, that does not arouse the greed of the Puritan; that is free from the wiles that tempt the conscience, give him a subject devoid of sectional bias, that did not in the remotest degree envelop any interest of Massachusetts or New England, and give him time to train his Pegasus of thought, and he could treat it with impartiality, in a broad catholic spirit, and with ability surpassed by very few debaters or statesmen. But in any conjuncture, on any occasion, even when the Union was in jeopardy, and before his sublime self-sacrifice on March 7th, 1850, if the financial interests of New England were in one scale and the interests of the other States were in the opposite scale, the wonderful resources of Webster's oceanic intellect were wrested by ambition, sectional pride and his personal benefit as estimated by him, in behalf of that little industrial group, at the head of which stood the original Puritan nursery that he adored.

When forced by the scathing criticism of Hayne to attempt a defense of Massachusetts, rising to the height of a grandiloquent bluff, he exclaimed: "Mr. President, I shall enter on no encomium upon Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston and Concord and Lexington and Bunker Hill, and there they will remain forever." What a lean, meagre, equivocating, halting, timorous index to a cyclopedia of crimes committed in the name of the God of mercy, and justice and love, that covers the records of a hundred years!

That euphonious bombast had been most artistically arranged and measured by a devoted son compelled to take the witness stand in the highest tribunal on earth, to say what he could in behalf of his mother, whose hands, the listening judges knew as well as he, were so steeped in the blood of savages and saints, women and babes, Indians, Africans, and her own children that they would

"The multitudinous seas incarnadine,
Making the green one red."

"There is her history; the world knows it by heart." True, indeed—and "pity 'tis, 'tis true." Would it had been buried with her sacrosaints, Winthrop, Endicott, John Cotton, Cotton Mather and others whose malodorous memories taint even now the air about New England's triumphs as, for days after Waterloo, the odor of "rider and horse in one red burial blent," tainted all the glory of victory.

"Boston, Concord, Lexington and Bunker Hill." How electic was the skillful, practiced eye of this loving son, in choosing these four brilliant gems from a ponderous casket loaded with paste, to decorate the hideous brow of his bloody Borgia mother!

What a beggarly account and display of the accumulations of two centuries. He was touchingly modest, in view of the graves, gibbets, pillories, and judicial murders from which to choose a few specimen exhibits. He could have continued—

"And there is Salem with her silent but eloquent string of gallows adorned with swinging Quakers—heroes and heroines all! And there, too, in this graveyard you behold her many testimonials to her celestial divination by which she detected the secret, midnight machinations of the Devil in imparting to old women and children his power to bewitch her pious and peaceful followers of the Lord. There in Boston, and near Faneuil Hall, stands the gallows from which that martyr to her religious Faith, Mary Dyer, gave up her life in the presence of her own children and of the Puritan saints. There, too, you behold her temples dedicated to the worship of her confidential Lord, and before whose sacred portals stand her favorite ministers of justice, and efficient auxiliaries of her

constabulary—her pillories, her bilboes, her stocks and gibbets.

"I have said there is Concord,—Yes, the only remaining monument that has survived one hundred and fifty years of perpetual Discord—discord with Indians; discord with all Quakers, Episcopalians, Baptist, Calvinistic and other heretics perpetually infesting her peaceful shores, which she had consecrated as landings for her hundred ships laden with savage negroes "plucked as brands from the burnings" from darkest heathen Africa, to give them the incalculable blessing of the Puritans' incomparable and peculiar religion; discord with Kings and Queens; discord with England's naval officers who disapproved of the practice by her sons of the art of smuggling introduced by them from the old world to the new. These, Mr. President, are but specimen bricks taken at random from the many pyramidal monuments standing as imperishable witnesses to testify to the glory of Massachusetts. But I refrain to weary your patience with further recital of these details that stand like marble milestones along her brilliant pathway, stretching over two hundred years of energy that benevolently extended, without rest, into the borders of her neighbors and sisters. With one other proof of her superior activity springing from the irrepressible love of untrammeled personal liberty, I shall leave with you and the country this brief index of the history of Massachusetts.

"Without arrogance or boasting I affirm that Massachusetts, impelled by her spirit of liberty, has led her sister colonies and States in many of the useful activities of life, as well as on the line of useful inventions. She was the first to demonstrate her unconquerable hostility to tyranny by tearing down one of the market houses in Boston by what in this day is denominated a mob. It was only the action of a few Puritan sons who objected to the market, and they gathered together and adopted the readiest and least expensive method of removing what to them was objectionable. This high spirit has marked her industrious sons from that day to this. Those Puritan patriots were the first to inaugurate smuggling in resistance to the statute of Parliament which they imagined transgressed the bounds of personal liberty and of individual

rights. Those Puritan Christian patriots were the first to discover that the only effectual method to get rid of and to silence pestiferous Quakers who obstinately refused conformity to their eighty-nine articles of Faith, was to swing them from the gallows. They led their sister States in the discovery that Jesus Christ was no co-equal with the Father, indeed, was not Divine—and they improved and enlarged the borders of religion by establishing the doctrine of Unitarianism.

"They, like the Athenians, were constantly on the watch for something new. When they realized that negro slavery was unprofitable, as they founded it, being sensitively conscientious, they concluded it was their duty to abolish it from the Union, but, as the Constitution guaranteed it, that instrument seemed an insuperable obstacle in their way. Being, however, inventive and indefatigable, they began to investigate, and soon found, through fate and metaphysical aid—the means prescribed by Lady Macbeth for Macbeth to reach the "golden round"—that Providence had provided for them a "higher Law" than the Constitution, and they are now working with the industry of a herd of hungry beavers, outside and above that fundamental law, to give to the slaveholding States a modicum of the blessings of liberty enjoyed by themselves. Considering that the people of Massachusetts, at first, were all Puritans, and that those saints are still in control of her government and destiny, perhaps I should qualify by some measure of diminution the merit I have accorded to her in the two instances touching the discovery of Unitarianism and the 'Higher Law', because, Sir, as the Pilgrim Fathers were, and their descendants are, successors to the Israelites as God's chosen people, and are His vice-gerents over this world, and have always been in the closest confidential relation and hourly communication with their Deity, it may be that He may have diffidently suggested the method of discovering the repository of the 'Higher Law.'

"And, Mr. President, I should not omit to call attention to the superiority of the descendants of the Pilgrim Fathers in that broad, intricate, entangling and metaphysical field denominated Finance. I need not do more in support, if not in demonstration, of their superior acumen as financiers, than

to point to the vast accumulation of riches within the borders of Massachusetts, and, indeed, Sir, of all New England. This, Sir, is due to the Puritans' discovery of the immeasurable wealth that the framers of the Constitution, in their foresight and beneficence in behalf of posterity, had enveloped and concealed in that magic phrase—'general welfare', the 'Sesame' to which that investigating and philanthropic people around Plymouth Rock were so fortunate as to discover.

"There remains but one more proof of the inventive genius of the descendants of the Pilgrim Fathers, to which I shall at present refer. While it does not lie within the expansive field of Finance proper, still, it is a legitimate offspring of that modern growth of wisdom and and chicanery. I mean that mental contrivance, compounded of many chances, which is denominated 'Dealing in Futures.' To the ingenious people of Massachusetts must be assigned all credit for the invention of this purely intellectual adjunct to Finance. It originated in Boston and grew out of her method of conducting the sale of her negro slaves, or rather her style of advertising negro slaves for sale. Not having before me the journal in which this innovation on the custom of sales appeared, I must be content to say that the owner of a negro wench, as he styled her, offered her and her child then unborn for sale, the purchaser to take both, or take the mother or child alone. It is readily seen that the purchaser of the child was 'dealing in futures' to the degree of recklessness—for the child might come blind, or deaf, or dumb, or epileptic, a paralytic, a cripple; or—I was about to say—a mulatto, but remembering that the transaction occurred in Boston, I saw, at once, the impossibility of the woman giving birth to a mulatto at that period of Boston's Puritan virtues.

"With one more remark I shall leave this feeble encomium of Massachusetts with you and the country. It is that the Puritans by adopting that new method of sales of personal property, introduced a new rule governing the validity of title. By the Common Law, one delivery of personal property is sufficient to vest title in the purchaser, whereas it is evident, even to the understanding of a layman, that in this case of 'dealing in futures' two deliveries were necessary in order to perfect the title."

CHAPTER XXIII.

THE RIGHT OF SECESSION.

Having shown the right of a nation to withdraw from any agreement of whatever name or obligation, and that each State in the Union in 1787 was a nation, we now come to the question of the right of the Southern States to secede from the Union in 1861. If the Law of Nations justifies secession in the abstract, it must follow, a fortiori, that the slave States had the right to secede should it appear that the free States had violated the agreement by which the thirteen States were united. As already said, it matters not what the agreement between the States is called—whether a convention, a compact, league, confederation or constitution. We are not pursuing a shadow. We are considering substance. We have heretofore quoted Daniel Webster's fanfaronade on the word Constitution—"I will have the gentleman (Mr. Calhoun) to know that the Constitution is a noun substantive." It would perplex any "Yankee school-teacher"—or other teacher, or grammarian, to produce a noun that is not "substantive." Webster did not inform "the gentleman" what sort of noun is "compact, agreement, league, contract," or "confederation." He spoke as if the Constitution were clothed with the sanctity of the Ark of the Covenant, and that he was one of the Kohathites to whom its safety was intrusted. This grandiloquence was indulged in in 1833. We soon shall see him in a different role, and hear him reduce his "noun substantive" to its common-sense meaning—"a contract."

We must now make a brief review of the action of the States and of the conduct of people of the Northern States from the formation of the Union to the election of Abraham Lincoln as President. It is not necessary to review the debates in the convention that framed the Constitution. Courts, without some special reason, never look behind a contract to see what was proposed and what was rejected by the parties thereto before signing. They look only at the contract—what the parties agreed to—and apply the law. On

the forefront of the compact between the States they stated the reasons that moved them to form a Union—to-wit: "To establish justice, to insure domestic tranquility, to provide for the common defense, to promote the general welfare, and to secure the blessings of liberty for themselves and their posterity." And we are bound to assume, as a fact, just as judges in forming their judgments assume a fact as proven, or admitted, in open court, that the people of each State entered into that compact for the reasons so explicitly stated by them, and, second, that the reasons stated were the only inducement for forming a union, and, as a conclusion of law, that the attainment of each and all of those ends—five in number—constituted the **only consideration** moving each State to enter into the Union. This being unquestionably true, it follows that any voluntary action of any of the parties (States) to the compact that defeated the attainment of all, or any one of those considerations, was a breach of the compact and made it void, or voidable at the will of any of the innocent or unoffending parties.

For more than a century before the Union was formed, negro slavery had been a social and labor institution in a majority of the States, and was such in every State when the Constitution was adopted. It is history known of all men that the negro slavery subject caused more trouble in the convention that framed the Constitution than any other subject. It is, also, indisputable that unless negro slavery had been recognized and protected in express terms by the contract, or compact, the efforts of the convention would have been in vain, and there would have been no Union between the States. Negro slavery is recognized three times in the Constitution: First, in the apportionment of Representatives in Congress by including in the population of each State "the whole number of free persons, including those bound to service for a term of years, and three-fifths of all other persons;" second, by limiting the importation of slaves to the year 1808; and, third, in Art. IV, Sec. II, Par. 3, that provides for delivery to the master of fugitive slaves. These clauses were inserted to insure an agreement by the convention and adoption by the States. They were **sine qua non.** Without them the Union

was impossible! These facts no man not an ignoramus, or at heart a despot, will deny.

Only two more steps are needed to conclude this view of the right of the Southern States to secede in 1861. The first is to state the law. It is laid down by Vattel, 5th Ed., pages 260-261, Sec. 296: "If it be certain and manifest that the consideration of the present state of things was one of the considerations that occasioned the promise—that the promise was made in consideration or in consequence of that state of things—it (the obligation of the promise) depends on the preservation of things in the same state. This is evident, since the promise was made only upon that supposition. When, therefore, that state of things which was essential to the promise, and without which it certainly would not have been made, happens to be changed, the promise falls to the ground when its foundation fails. * * * That state of things alone, in consideration of which the promise was made, is essential to the promise. Such is the sense in which we are to understand that maxim of the civilians—**Conventio omnis intelligitur rebus sic stantibus**—that is, "every agreement is to be construed according to surrounding conditions at the time it was made."

The second step is to take a retrospect to determine whether the same state of things in relation to negro slavery existed in 1861 as in 1788, when the slave States agreed to the contract called the Constitution. The transition is the most startling and horrible known in any seventy years in the world's history. It is like passing from a lovefeast into pandemonium, like turning from the cheery music of Christmas bells to hear the ravings of maniacs chained in a madhouse. We will pause a moment to view the scene. We see the architects and builders of the last Temple of Freedom, with joyous faces, file out and pause on the Parian threshold on a golden day, while the sun throws his noonday splendors as a benediction upon them. Looking around on the seeming faultless sky they see just above the Northern horizon a small cloud not bigger than a man's hand. It wears an ominous portent. It holds the patriot's gaze. It has a perfidious aspect. Soon it begins to swell and take on a darker hue. It expands slowly with ser-

pentine trail towards the east, then with tortuous movement to the west. As it grows, the darker it becomes. Soon a faint lurid flash is seen, as when the viper thrusts out its venomous tongue. As its dismal wings expand, its horrid crest by leaps and bounds invades the upper air now trembling at its dread approach. Now day is obscured, and thick, plunging billows of darkness roll and leap as when by fury the ocean's deep is seized and in masses thrown as a challenge in the face of Heaven. Over the sun is now spread the black veil—the symbol of death, and night is swallowing up the day.

Now a low grumbling sound breaks on the ear like the deep-throated menace of the lion disturbed in his midnight lair in a far off jungle. A sudden flash, making the darkness visible, leaps through the tumultuous, rushing gloom, leaving a momentary rift through which strangely demoniac figures appear. As we gaze, we doubt the faithfulness of our senses. We see short-haired women and long-haired men rushing pell-mell from East to West, then from West to East, mounting platforms, pulpits, stumps, waving their arms like flails threshing grain—shouting—screaming—yelling, as if in agony from burning garments. We see them raise high in the air children black as the surrounding cloud—kiss them—embrace them—and cry "freedom! freedom! freedom!" Rushing by comes a negro chased by bloodhounds gnashing and tearing her clothes and flesh. A moment, and we hear the rumble of a train rushing along a subterranean way at midnight. We see it emerge, and its sable, mongrel cargo leap into the arms of the shouting, screaming, yelling short-haired women and long-haired men who cry "freedom! freedom! freedom!" Then the cargo is again stowed away and the train rushes on—on—into the regions of the frozen North.

Suddenly, a lurid stream of light leaps from the Atlantic to the Pacific abreast the raging cloud, and, behold! it is resolved into millions of human forms with faces black with envy, rage and malice, and then from out the West rises a figure—tall, unshapen, and gaunt; unknown to fortune and to fame, his origin a mystery, only recognized as one of a million fanatics. By this brand the images knew him and hailed him as Chief. From the cloud, adulation like a tempest

burst upon him, and on it he rose and trod upon the necks supinely stretched, like Jupiter enthroned on Olympus, jesting with the vulgar, while pollution flowed from his lips, until a lightning bolt struck the Temple of Liberty, which fell with a roar heard around the earth. Then followed a sound like a distant echo of the temple, and the Ruler of the storm bowed his head never to rise again.

In the year 1776 the thirteen colonies made their Declaration of Independence, to maintain which they pledged to each other their lives, their fortunes and their sacred honor. In the year 1778 they formed "a league of friendship with each other for their common defense, the security of their liberties and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, on account of religion, sovereignty, trade, or any other pretense whatsoever." In the year 1787 they met again and made a third agreement,—"to establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and to secure the blessings of liberty to ourselves and our posterity."

As has been shown, in the third agreement the thirteen States made two special provisions for the security of that class of property known as negro slaves then owned by citizens of each State—the only kind of property thus recognized for protection, and the only property that delayed for many weeks the agreement. As the pledge of protection was necessary to a consummation of the agreement, and without it the Union could not have been formed, with honorable men that pledge would have been held more sacred than any other. The other provisions were matters of accommodation, of compromise, as could be easily demonstrated, while this one—protection to this property, which had become a part of the social and economic condition of all the States; which, under control, was contributing to the "general welfare," but, free and unrestrained, was known to be dangerous to and subversive of "domestic tranquility"—was the indispensable prerequisite to the contract.

Yes—among men of honor, this obligation could not have been violated. Honorable men, who had sold these slaves to

Southern men and had invested the purchase money in stocks, bonds, mills and factories, and grown rich on that slave trade, would never have considered for a moment a proposition to wrest that property from the men they sold it to, nor from their children.

Yes—honorable men, some of the slave traders who sold the slaves to the South, and who had inherited the stocks, bonds, mills, factories, and other property, purchased with that blood-money, and who were thereby living in ease, comfort, luxury and splendor, would not have raised a finger nor spent a dollar to wrench that property from the children, who had committed no greater offense than holding what they had inherited.

Yes—men of honor—saying nothing of Christian men—would never have repudiated the contract of their fathers and have refused to pay back that blood-money, and have hired Hessians to invade the homes of men who had paid to their fathers full price for the property—to shoot fathers and sons —impoverish wives and children—and to free slaves their fathers had made slaves of, and had been fattened by that infamous piracy and traffic.

Honorable men—sons of honorable men—would not repudiate their fathers' contract by which they had reaped billions of dollars, and denounce their fathers as parties to "a covenant with Death and an agreement with Hell," and revel in the swag they had raked from "an agreement with Hell." These are acts no honorable men would have done. Let us now see what was done. To the first Congress assembled under the Constitution of 1787 a petition was presented asking for the abolition of negro slavery. That was followed by another and larger like petition to the second Congress. And there was no Congress, from the first to the one in 1859, that did not receive this petition. In vain did Congress pass Resolutions declaring that Congress had no jurisdiction over slavery. In vain did Congressmen tell their constituents that it was idle to send those petitions to Congress. In vain did Congress lay them on the table or order them to the wastebasket. Signatures multiplied by hundreds, then by thousands and by tens of thousands. By the year 1820, so fanatical on slavery

had the Northern people become, that a bitter contest occurred in Congress over the admission of Missouri into the Union. The opposing forces were anti-slavery. The result was the memorable compromise—called the Missouri Compromise—that forbade negro slavery north of Missouri, or the parallel of 36° 30′. That bitter conflict divided the Union into two sections, ever since called The North and The South—a baptism ordained by Nature, and a divorce from bed and board compelled by Fanaticism. This was the first clanging of "the fire bell" dreaded so much and predicted by Thomas Jefferson. During the decade following 1820 the agitation at the North for abolition of slavery grew apace. A torch was thrown into the stubble by legislation forced through Congress by the avarice of the Puritans. It was the tariff law that South Carolina strenuously opposed, even to the verge of hostilities, by what was called Nullification. This brought on the celebrated debate in 1830 between Robert Y. Hayne of South Carolina and Daniel Webster of Massachusetts—the two most antipodal States in the Union. In that debate, for the first time after the Constitution was adopted, was the opinion announced, in solemn form, by any statesman, that a State had no right to secede from the Union. In 1833 the debate was resumed by Mr. Webster and John C. Calhoun, when Webster, emboldened by the fame won in the debate with Hayne, advanced a step further and proclaimed the law under and by virtue of the Constitution to be that Secession would be rebellion and revolution.

Just here the path we are traveling can be greatly illumined by having light from the rear thrown upon it, as hunters at night the better see the game they are seeking. We are now in the year 1833. In a prior chapter we have learned that, from the day the Union by consent was formed, no man questioned the right of a State to secede. Washington and Hamilton—both Federalists—so believed. They considered the Union as tentative or an experiment. The people of New England so believed. Daniel Webster, we have seen, in the Framingham Resolutions addressed to President Madison, so contended. He wrote the Resolutions. The Hartford Convention in 1814 so spoke. Josiah Quincy of Massachusetts, made

a speech in the House of Congress in favor of the right of Secession. William Ellery Channing, one of New England's foremost divines, favored Secession to be rid of slavery. A Northern republic was advocated in New England to be composed of Free States. During these forty-six years this belief in peaceful and rightful secession prevailed throughout the Union. Now, apply again the rule "cotemporanea expositio est optima"—the opinion of those cotemporaneous with any matter, event, or writing, the meaning of which is in question, is the best evidence of its purpose or meaning—and, as the Constitution is absolutely negative on the question of secession, we are bound to accept the opinion of the men not only cotemporaneous with, but who took part in making, the compact or contract between the States. But as we proceed we shall get more of this light coming from the same source. We resume the narrative from the year 1833.

Mr. Webster won such renown by his arguments in the Dartmouth College case and in the case of Gibbons vs. Ogden, that he was crowned "The Great Expounder of the Constitution." This halo covered him in the debates with Hayne and Calhoun. Hence, the North greeted him with hosannas as he declared Secession nothing less than Rebellion and Revolution. His finesse, his assumption that the States were subordinate to the federal government, that the Constitution alone was the law, were questions beyond popular understanding, and his conclusion was accepted by the fanatics of the North on his ipse dixit. It was ex cathedra. Here was ground to stand upon.

Between 1820 and 1833 the nebulous elements of anti-slavery had been gravitating towards a common centre. In 1835 they began to unite in societies for the abolition of slavery, to agitate, to muster recruits. We have the record in the chapter on Daniel Webster that in the year 1837 there were societies organized and in full blast to propagate abolitionism throughout the Free States, and that they thereafter multiplied in almost geometrical ratio. The members in that year were 158,000. To record a hundredth part of the deeds of those fanatics, even to catalogue their speeches, pamphlets, writings in the press, and sermons, to give the names of their

speakers—male and female, and their places of meeting to portray the horrors of negro slavery their fathers had established in the South, would fill a large book. However, there are sufficient facts for future historians to base their decision on when they shall decide whether the South was more than justified in leaving the company she had accepted in 1787 as life-companions, and a few of these facts will now be recorded. As they are a part of the country's history, well known and indisputable, no space need be given to references, to books and pages.

One of the methods of campaigning was the establishment of the "underground railroad." Its freight was negro slaves only, escaped or stolen from their Southern masters. They were spirited away with hot haste to safe seclusion in Northern States and to Canada. To insure a valuable cargo, emissaries were sent through the South as sneak-thieves. Often the Bible was used as the jimmy to unlock "the shackles and fetters the groaning slaves were dragging by day at his work." Colporteurs would saunter through the South ostensibly selling Bibles. That holy mission gained admission to and hospitable entertainment in the best homes. They were sped with blessings and words of cheer for their good work for the salvation of sinners. They meet a negro—talk of the horror of slavery—the glory, the ease, the luxury of freedom in their country. The negro is willing, a night rendezvous is agreed on, and they start post-haste to that land of freedom and no work. Among the honest, trusting, unsuspecting Southerners the trick was turned "as easy as lying." The master, the next day, supposed as the worst that the negro had run away. He could not imagine that the Christian gentleman wearing his life out selling Bibles to redeem lost souls, had any possible connection with the absence of his slave. Sometimes, but rarely, the pious thief was suspected, pursued and caught. In a few instances he was punished in a manner that reminded him of the Quakers whom his sainted Pilgrim Fathers tied to cart-tails and whipped through three towns—not, however, for stealing, but for not taking off their hats.

This method of stealing was on land, but the ocean on whose bosom the piracy of the negroes' ancestors was carried on by the Puritans, was not neglected. New England then monopolized the coastwise trade with the Southern States. This scheme was worked: Negroes, instead of white men, would be articled as sailors on ships coming to Southern ports. During the stay in port, unloading merchandise and loading cotton and rice, the negro sailors were in constant association with the stevedore's slaves. The Yankee negro would fill the slaves with all the good things in the land of Canaan—with its milk and honey—the grapes of Eschol—and no work—and at the hour of sailing stow them away below and the trick was turned. There was no telegraph to intercept and to order arrest at the Northern port. There was no remedy. Even the mighty "Sovereign" Federal Government, with its army and navy could do nothing for the master.

This method of stealing the property the Puritans had sold to Southerners was conducted to such an extent that the citizens of Charleston, South Carolina, felt compelled to have negro sailors arrested—put in jail—and held there until the hour for the ship to weigh anchor. This action, in self-defense, caused a protest by the people of Massachusetts. They sent Mr. George Hoar as commissioner to Charleston to call her citizens to account for "incarcerating the free citizens of Massachusetts without authority of law." Mr. Hoar was made to understand that if Massachusetts or Boston, would send to South Carolina white men as sailors and keep their free negro sneak-thieves at home South Carolina's jails would not be burdened with negro sailors while in port. This incident made the municipalities at the other Southern ports more wary, and theft by stowing slaves was not so successful thereafter. But the underground railroads multiplied. Northern termini were established along the length of Mason and Dixon's line, and west of Missouri depositaries were chosen to receive the stolen slaves and to conceal or forward them further North. The Southern termini were afloat, or on foot, in every Southern State where the pious Bible colporteurs might wander. And

there was more rejoicing, at each Northern terminus, over one negro saved by theft, than over ninety-nine thieves converted and saved from the gallows.

This rebellion against the Constitution that guaranteed protection to slave property; this open, flagrant violation of the Commandment against stealing; this destruction of "domestic tranquility;" this fanaticism on slavery—successor to and continuation of the Puritan's fanaticism on religion, was, at first, among fanatics of the lower social order. It was a kitchen rebellion against all law and order. They played on the passions of the groundlings—the lowest stratum lying close to the negro. This is shown by the fact that William Lloyd Garrison, then in obscurity, who was printing a four page quarto sheet—in a back alley in Boston—called "The Liberator," was seized on the street in 1835 by a mob that resented his incessant caterwauling over the negro, and was dragged along a street by a rope around his neck. About the same time another garret editor, named Lovejoy, in southern Illinois, was attacked by a mob, his office destroyed, and he was killed. As the tide of fanaticism rose high in after years, his brother, Owen, mounted it and rode into Congress.

Although the agitation for abolition started in the basement, it rapidly gained recruits. Daniel Webster, in his speech at Plymouth Rock in 1820, said that at least a million sons of New England had migrated to the Western States. They went to teach, to seek fortunes, to grow up with the country. Being better educated than their pioneer neighbors, many were chosen as Congressmen. They went West as propagandists of all New England's ideas. Without statistics, we must assume that many hundred thousands of women, also, went from New England to the Western States, as wives and as teachers. Here was enough inflammable material to set the prairies on fire, and to account for the rapid spread of the Abolitionists. In 1833 Great Britain freed her slaves in the West Indies. The Puritans—who for two hundred years had never been capable of seeing any wisdom, justice or honor in any act of the British, or their Parliament or King—looking through the medium of fanaticism, saw justice in that emancipation, and were fired to follow in her footsteps. The

omnipotence of Parliament to legislate on all matters, and the impotence of Congress to touch the institution of slavery; the protection guaranteed by the Constitution to slavery in the States; the sovereignty of the States that protected them from interference—were no obstacles in the way of fanaticism. The fact that Parliament paid the British slaveholders four hundred million dollars to compensate them for their property set free, and the fact that New England had gained billions of dollars from the South by sale of slaves to it, and by the increase of that purchase money, did not disturb the souls of the fanatics.

"Fanaticism," says Dr. Isaac Taylor, "is enthusiasm inflamed by hatred. It rushes on, it knows not whither." The Southern slave owners were hated by these fanatics. This is demonstrated by the vile epithets applied to the Southerners in their speeches, lectures, newspapers, and all kinds of literature.

CHAPTER XXIV.

THE LAW AND THE FACTS OF THE QUESTION.

Did the Southern States have the right to secede from the federal Union? There are two views of this momentous question. The first involves law only; the second embraces both law and facts—that is, matters in pais. The first can be determined by the Law of Nations; the second must be decided by the same law and the facts, or the political condition existing between the States in 1861. The first view can be confined to the law as it was in 1804, when the 12th amendment to the federal constitution was adopted, because from that date to 1861 no change in the law affecting the relations of the States was made. On the first branch of the question an extended argument is not needed, because much of the law has already been herein presented. Still, on account of the importance of the result to be attained, some of the law hitherto stated must be repeated. The second branch will require more space, as much of the history made by the Northern or Free States must be recited.

When Great Britain declared each of the States—then, as now, called "United States," naming them from New Hampshire to Georgia—"to be Sovereign, Free and Independent," all the States were confederated under an agreement called "Articles of Confederation." In and by the second Article each State declared emphatically that she was "free, sovereign and independent." The thirteen States on that understanding proceeded to form what they named "a league of friendship." To prove what they said, it is best to let them speak. The first article reads—"The style of this confederacy shall be The United States of America."

Article II. "Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the United States in Congress assembled."

Article III. "The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, **sovereignty**, trade, or any other pretense whatever."

There are several rules courts apply in construing all instruments in writing of whatever nature. One to be applied now and throughout this discussion, is of such general use among civilized peoples that it may be ranked as one of the Laws of Nations. It is—"**Contemporanea expositio est optima**"—the understanding of the meaning of any writing or custom of those who were contemporaneous with the writing or custom is the best evidence of its meaning. Apply this rule to the Articles of Confederation. We are to assume that they meant what they said, as there is no ambiguity in any word they wrote. What did they mean by the words "each State retains?" One can not retain what he has not. But each State retained its sovereignty, freedom and independence, and every power, jurisdiction and right. Here are two separate classes of attributes spoken of. The first three are sovereignty, freedom and independence, connected and united into one group by the copulative conjunction "and;" the next three, while connected by the same conjunction, are dissevered and singularized by the word "every"—every power, every jurisdiction and every right. This is not only proven by using the word "every," but is doubly proven by the singular verb "is," of which every power, etc., is the nominative.

Again: "Every power," etc., "which is not by this confederation expressly"—given away? granted to?—no! "expressly delegated to"—what? To the United States? Far from it,—but "to the United States **in Congress assembled!**"

Again: In the last paragraph, before their attestation, the delegates wrote—"Know ye, That we the undersigned delegates in the name and behalf of our **respective constituents**" * * * "and we do further solemnly plight and engage the faith of our **respective constituents.**" Then they signed—

"On the part and behalf of the State of New Hampshire;" every delegate repeating those words before the name of his State.

As in a prior chapter the meaning of "delegated" was given, no words are required here to show the wide difference between it and the word "granted." Few words in English are more distinctive. A person grants by title, and the thing granted is no longer his; he delegates the exercise of power or authority that remain in him.

It is true that the Articles of Confederation were agreed to by the State five years before they won their independence, but when subjects revolt against their sovereign, as did the thirteen colonies, and they declare themselves to be free and independent, when they succeed, by the Law of Nations their freedom relates back to the date of their declaration. Therefore, we must assume that when the Confederation was formed the people of each State believed their State was sovereign, as they declared, and that the people of each State were, from 1783, absolutely sovereign. So it appears by the plain and explicit language written in the Articles of Confederation,—

First: That each State was a distinct society, known in the Law of Nations as a nation.

Second: That each State, as a nation, entered into the agreement to form a Confederation.

Third: That each State announced its sovereignty.

Fourth: That each State expressly declared its purpose to remain as sovereign while in the Confederation as it was before becoming a member of that "league of friendship."

Fifth: That each State declared that it only delegated to the United States, in Congress assembled, the power to exercise the powers, jurisdiction and right of each State named in the Articles of Confederation.

Sixth: That each State emphasized its separate action by using the word "severally," and the words "each other" in the third Article.

Seventh: That one of the reasons for forming the confederation was to make common cause against "all attacks upon them or any of them on account of sovereignty," etc.

Eighth: Another reason was to resist any attack on any of them on account of religion.

The Nationalists' contention (and by it they must stand or fall) is, that the consolidated Nation was formed by the Articles of Confederation, which was afterwards renovated and called the Constitution; that sovereignty was granted to the United States, which they construe to mean and to be the federal government. If so, will they explain what the States or people meant by a common defense of the Confederation's "religion?" They assert that the Confederation had, and that its successor, the United States, have sovereignty. But how about the Confederation's religion? Can they explain how a corporation can get religion—can be "converted"; what spiritual relation a corporation has with its Maker—whether the Maker be the New Jersey legislature or thirteen States, or "We, the people?"

When we see the Confederation as the States or the people of each State saw it, we can understand whose religion and whose sovereignty were to be defended. We can understand what thirteen men all named Smith, or Hercules—each with a large family—mean when they pledge themselves "to assist each other against all the attacks made on any of them on account of his religion. This comment on the word "religion" is made, because, being one of the things each State was to assist any other State in defending, and being connected directly with "sovereignty" in the same sentence, it is proof of whose sovereignty each State, or the people of each State, had in mind. The States, in Articles of Confederation, entrusted the management of their affairs to a Congress. It was Executive, Legislative and Judiciary. Each State sent Delegates—none sent less than two nor more than seven—and no delegate could serve more than three years, and each State could "recall" her delegates at any time within the year and send others. Article V is illuminating on the purpose of the States as well as on what they meant by the phrase "United States." It reads: "For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress."

What possible "general interests" had or could have the United States as an organization distinct and separate from the "general interests" of each State? There were not and there can not possibly be any general interests other than those of human beings—either singly or in association. What human beings were there to constitute the United States? There can not possibly be sovereignty without people under it, or constituting it. Therefore, the "general interests" were those of the several sovereign States, and the United States in Congress assembled was nothing more than the delegates each State chose in the manner it might adopt, and whom the States could recall at will.

The Confederation became operative March 2nd, 1781, when the first Congress met. This was two years before the war ended and Great Britain acknowledged each State to be sovereign, free and independent, what each State had claimed in the Articles of Confederation, to say nothing of their claim in the Declaration of Independence. The Confederation continued until it was superseded by the Union organized in conformity to the Constitution in 1788. It proved to be a lame and impotent conclusion. It was ill constructed. It was a botch. Independence being won, each State, being sovereign in fact and not merely in theory, or on paper, began to pay more attention to its own affairs, and neglected the obligations of the league of friendship. Taxes were shunned; the public debt was pressing; the infidelity of some States became intolerable, and, finally, the statesmen and men of honor and of foresight decided that another confederation was necessary in order to make sure the blessings of life, liberty and the pursuit of happiness for them and their posterity.

This sketch of the Confederation brings us to what was done in pursuance of the opinions of those wise men who saw the necessity of forming what they called "a more perfect Union"—a phrase not very apt, as the federation was about as imperfect as any known in modern history. Still, while the phrase is not up to the standard of Lindley Murray's grammar, its deficiency in that respect makes it a most valuable and perfectly reliable witness to prove what the framers of the new government intended to do. Here is a declaration

in most solemn form that Union of the States and Confederation of the States were employed as equivalent terms. The States were in the Confederation at the date these words—"a more perfect Union"—were written, and to form a Union more perfect was equivalent to saying "this Union is to be better than the Union we are in now called a confederation." Whether the several thirteen separate and distinct societies from New Hampshire through to Georgia were each sovereign when they entered into a confederation before they achieved their independence of Great Britain, is not of so much importance in this discussion as is the written record that each declared itself to be sovereign, and with that distinct understanding on the threshold, agreed to the stipulation thereafter written.

Further, each one declared in the same breath that it intended to retain its sovereignty. Again, they said, each and all, that they only delegated to their common agent the exercise of some of their sovereign powers. Finally, there is not a clause, sentence, or word in all the Articles that is in conflict with those three declarations. Therefore, we not only have the right to assume, but we are compelled to admit, that the Confederation was formed by thirteen sovereigns. But, if any question could be raised against that conclusion, certainly no doubt can be thrown on the sovereignty of each State when Great Britain released her bond of allegiance to her and announced to the world the sovereignty of each—calling each by name. That this political supremacy continued from 1783 to 1787, when they adopted the new Confederation under the same name of United States, no man has ever had the hardihood to question, and no statesman, if honest, could doubt.

From these facts of history we find thirteen States sovereign by their own declaration in 1778; we find the same States declared by their former sovereign king, in 1783, to be as sovereign as he was, and we find the same States holding their sovereignty from 1783 to 1788. The next question is—did they surrender that sovereignty by forming another federation called a Union? This brings us to view what they said in the new agreement. While considering this question we

must look through the agreement itself to know what the thirteen sovereigns said, and we must take with us that code of laws made by enlightened Nations, which is not only the supreme law of mankind, but is so absolute in authority that no nation can possibly escape it. No agreement, compact, federation, or treaty made by two or more sovereigns can change, or disavow the Law of Nations. Each of the thirteen sovereign States was in a compact, with its obligations and duties, when they signed the agreement called the Constitution. Did they cease to be sovereign by making that agreement? As they were unquestionably sovereign before they made it, the affirmative that they lost their status as sovereign nations must be sustained by those who so assert. The contention that they did not—that they are to-day what they were in 1783—has been presented in several prior chapters—one on State-Rights, the other on Sovereignty.

CHAPTER XXV.

THE QUESTION AS VIEWED IN 1787.

To get a correct view of the rights of the States we must, first, stand in the year 1787, and look at the question as it was viewed then; and, second, we must read the Constitution as its full text was after the first ten amendments were added.

In the first view we see how the Constitution was understood by the statesmen who framed and adopted it; and from the second we get the covenant, agreement, compact, or bargain—(the name is immaterial)—that was entered into by the States. We then apply the law governing the judicial construction of that and similar writings, and decide what the intent and purpose of its makers were when they agreed to it, and, two years after, amended it.

That there were thirteen sovereign States no rational mind can question. The statesmen who acted to send deputies to Philadelphia to take counsel together and to draw up an agreement to be submitted to the States for approval or rejection, knew that the people of each State acted for and by themselves. And the deputies so knew, because they signed the paper they agreed to as from and representing separate States. Washington signed—"George Washington, deputy from Virginia." And the others wrote first the name of the State they were from and signed their names thereunder. When these deputies adjourned the Convention, they returned to their respective States and submitted the writing to the legislatures of the States. Each legislature then issued a call to the people, the citizens and voters, of the State to select delegates to a convention representing all the people of the States in their sovereign character and capacity, to consider and decide whether they would accept or reject the proposed Constitution. Then a Convention was held in each State, no two States acting at the same time or place, and the Constitution was ordained, ratified and adopted. We have here, so far, the history of the action of the people who framed and adopted the Constitution. We thus know what they did. We will next see what they said. The best evidence of what they said is in the writing they signed—the Constitution itself.

After proclaiming to the world, in five lines, called the preample, the objects they hoped to accomplish, the first thing said was a declaration that recognized the States—"All legislative powers herein granted shall be vested in a Congress of the United States"—not in the people, not in a legislature—but in a Congress. What is the meaning of Congress? Webster says (definition 5): "An assembly of envoys, commissioners, deputies, etc., particularly a meeting of sovereign princes, or of the representatives of several courts, for the purpose of arranging international affairs." The prime and paramount object of the States in forming the federal government was to "arrange international affairs"—things that each State acting alone could not do as well as all acting together through a common agent. "A meeting of sovereigns for the purpose of arranging international affairs." Senators are called ambassadors from the States. Here is a recognition of States united, but each to act as a sovereign and to send Representatives, and each two Senators who will meet in a Congress to legislate for the benefit of the States, or the people therein. No single State or sovereignty had ever called its legislative body a congress, but assemblages of ambassadors, envoys or other representatives of sovereigns had often been called Congresses.

The next section prescribes how this Congress shall be composed and chosen. It is composed of Representatives chosen by each State—the number being apportioned by the number of inhabitants in each State, and of Senators chosen by the legislature of each State; two from each State; which number can not be increased nor diminished, nor shall any State at any time be without a Representative.

"No person shall be a Representative who shall not when elected be an inhabitant of that State in which he shall be chosen." This is one of the most important of State rights. It rules out carpetbaggers. The third paragraph declares that the Union is not composed of "We, the people." It reads: "Representatives and direct taxes shall be apportioned among the several States which may be included within the Union." The Union is composed of States—as political corporations, or autonomies; that is, as sovereigns.

(Par. 4.) When vacancies occur in the House of Representatives the State fills the vacancy. The United States government has no lot or part in getting Representatives in Congress.

(Sec. 3, Par. 1.) Each State elects its two Senators. When a vacancy occurs the Governor may fill the vacancy until the legislature may elect a Senator. Here the U. S. Government has no voice. And should the legislature refuse to act, the government has no power to choose a senator.

"No person shall be a senator * * * who shall not, when elected, be an inhabitant of the State for which he shall be chosen."

(Sec. 8.) "The Congress shall have power—

First. To lay and collect Taxes, Duties, Imports, and Excises, to pay the debts and provide for the common defense and general welfare of the United States." Here is recognition of the States, as States. "To pay debts of the United States" means the debts of each State incurred during the seven years' war. There were no United States when the Constitution was written, and, of course, no debts of the United States. "To pay the debts and provide for the common defense and general welfare of the United States" means of the States when united. "The common defense can not be applied to one thing, person or people. It means defense of all the States, nine or more, that may be united under this Constitution. The same construction applies to the words "general welfare."

Second. "To borrow money on the credit of the United States;" that is, on the credit of each State of the States united. "The United States" is nothing more than a Trust Corporation, a body politic, an imaginary thing, having nothing, owning nothing, and holding public lands, buildings, ships, docks, etc., as trustee for the several States. Were the people, by vote of three-fourths of the States, to abolish the federal or confederate government, the forty-eight States would come into possession, as tenants in common, of all the general government now holds in trust.

Third. "To provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasions."

The Union of what? Of the government of the United States? There can be no union of a single object, or thing, as

is a government. The laws of the Union—that is, laws made by the States in Union or united.

Again: "To repel invasions." A corporation—a body politic—can not be invaded. An invasion must be of something corporal. There must be land or water. A State owns land and can be invaded, but a government can not be invaded. The thing founded on the Constitution is a government and nothing more. Article IV, Section IV, explains that this paragraph means to protect each State from invasion.

Fourth. "To make all laws which shall be necessary for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States." Vested in the government; that is, vested in the government, or common agent, herein provided for by the several States united. The United States, or States united, the States that may agree to this writing or compact, do hereby vest these powers in a government to be known as the United States.

Section IX contains the inhibitions of powers to the government and to the Congress.

Section X denies to each or any State the exercise of certain powers, most of which the States, in a prior section had given the Congress (that is, the States acting together) the right to exercise.

Article II provides exclusively for the Executive Department,

First. The States hold the commanding "right" to appoint the men, or electors, who shall elect the President of the United States. Without their action there is no President, no judiciary and no government.

Second. The States refuse to let a Senator or Representative, or any person holding any office under the government of the United States, be an elector to elect a President.

Third. Should no one having a majority of the electoral vote for President, the States hold the right to elect a President, each State having but one vote. In that event the smallest State is the equal of the largest and most populous. Rhode Island is the equal of New York. This is a very important State right.

Article III relates to the Judicial Department.

Section 1, Par. 2. In a suit in which a State is a party the Supreme Court only can take jurisdiction. And by Article XI of the first twelve amendments to the Constitution, the States reserved the right to be exempt from suit by citizens of another State, or by citizens or subjects of any foreign State. This is a right that belongs to every sovereign. It is worthy of note that the States ratified the Constitution with a clause giving federal courts jurisdiction over a State at the suit of citizens of another State, and they withdrew that derogation of a sovereign's right within two years. It was resumed—not by "We, the people,"—but by the separate action and vote of three-fourths of the States.

Article V is the most significant of all on State rights. It provides the method for amending the Constitution. Three-fourths of the States agreeing can amend it to any extent, and Mr. Webster admitted, in the speech under review, that three-fourths of the States could abolish the government of the United States by their votes.

As soon as the government was organized the Congress, composed, of course, of citizens of the thirteen States, seeing danger to the States as the Constitution then read, proposed to the States twelve amendments, which were adopted by the States at once.

The first article of these amendments forbids Congress to legislate either to establish a religion or to prohibit the free exercise thereof; or to abridge freedom of speech, or of the press, or the right of petition.

Article II guarantees the right to bear arms.

Article III forbids quartering soldiers in people's houses.

Article IV guarantees against unreasonable searches and seizures.

Article V provides for indictments; against being in jeopardy twice for the same offense; against any person's being compelled to be a witness against himself; or deprived of life, liberty or property without due process of law; and against taking private property for public use without just compensation.

Article VI guarantees a speedy and public trial by an impartial jury; to be informed of the nature and cause of the

accusation; to be confronted by the witnesses against him; to have compulsory process to get his witnesses, and to have a lawyer to defend him.

Article VII relates to civil suits and right of trial by jury.

Article VIII forbids excessive bail or fines and cruel and unusual punishments.

Here are twenty-six invaluable rights and exemptions secured to each citizen in every State. The ninth Article reads: "The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people." They are individual rights.

Articles X and XI relate to the rights of States as sovereigns.

Article X. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Never were words more aptly chosen to express with crystal clearness what the writer intended. "Reserved to the States respectively;" that is, to each and all States alike—as if they were tenants in common.

I have already spoken of Article XI as proof of the jealous care with which each State was guarding its sovereign attributes, which Mr. Webster contended that the people, as one body, had so lavishly showered on their agent as to destroy their sovereignty and become dependencies or vassals.

The twelfth and last amendment, as already stated, was an assertion of sovereignty that, at first thought, seems to overthrow the equality of representation. It is that, when electors fail to elect a President, the House of Representatives shall chose, and in doing so, each State shall have but one vote. This is an application to our government by States of the principle in the laws of nations, that the least kingdom, or sovereignty, or sovereign, is the equal of the greatest. As one authority puts it—"A dwarf is as much of a man as giant; a small republic is no less a sovereign state than the most powerful kingdom." Under the twelfth Article the thirteen States agreed, and by written compact declared, that, as a State, Rhode Island is as great as New York. No higher claim of sovereignty can be made.

During forty years preceding the war of Abolition, "State Rights" was on the tongue of every man in public service. Two schools of constructionists that arose during Washington's administration have been in hostile array to the present time. One has persistently struggled to enlarge the powers of the federal government, while the other has endeavored to keep the government within the bounds set for it by the letter of the law. At first, they were known as Federalists and Republicans; next as Whigs and Democrats, and, last, as Democrats and Republicans. The Federalists, led by Alexander Hamilton, pitched their tent on the soft, elastic, amorphous preamble and the "general welfare" clause. The Democrats (the first Republicans) camped on the solid, rigid, unequivocal letter of the compact and have never moved from that position. The Federalists, Whigs and Black Republicans (as the present party was called), endeavored, from the first administration, by latitudinous construction to wrest the language of the Constitution so as to promote sectional and individual gain. The Republicans (as Democrats were first called), and Democrats ever since, contended for strict construction and for no sectional or individual advantage. The one looked to the federal government above the States; the other considered every State as superior to the federal government, and hence arose the contention for federal authority over the States by one and for State rights by the other.

This issue, from the beginning, divided the Union into sections, and negro slavery, soon after the division began, widened the breach until only two sections were spoken of—the North and the South. "State rights" was the South's special doctrine, as the expression went, and as slavery was limited then to the South, the animosity of the North to the South was so bitter that the word "State-rights" was despised by the Northern people, because, being a Southern doctrine, it was associated with slavery. To speak of State-rights in Congress, or at the hustings, North, was the signal for smiles, jeers, guffaws, burlesque or ridicule. So far had self-interest (that is Protection) seduced the Northern people from the Golden Rule and blinded them to justice, and "their sacred honor," that they not only hated the Southerners, but they hated the word "State-rights," and did not think that stealing

a negro was theft. As greed was the second strongest of all the Puritan's desires, he estimated the Union, or the government under the Union, in dollars and cents. He soon learned that the States had no bounties to bestow and that each man had to depend on his own energy, skill, labor and hands. And he soon saw that when Congress was legislating to raise money, it was as easy as lying to add a little more as a rider that foreign competitors would have to pay at the custom house in order to sell their wares in America. That little rider would be that much cash in their pockets without as much labor as winking the eye. What magician, what Fairy, what ring, or lamp, has ever brought in imagination to princess, or queen, such fabulous wealth as that lying juggler, Protection, has stolen through hypocrisy and fraud from the common people of the States and stealthily sluiced into the pockets of Manufacturers? And this sluice has been running as steadily as Time for one hundred years, and a people who boast of their courage and manhood have held up their hands to be robbed and have tamely submitted! It is not the subject of a moment's wonder that the North, seventy years ago, decided to uphold the general government, and to ignore the States and to consider all States as merged into the United States government. That master passion of the Puritans—Greed, Avarice, Covetousness—a passion, that for a hundred and fifty years challenged the wild Atlantic to combat, from New England to Africa, for ownership of cargoes of negro slaves, was a solvent for any obstacle that the States might interpose between it and its real Eldorado.

State rights a myth? States subordinate to their creature, the federal government? We have seen written all over the face of the Constitution what the makers thought and said of State rights, and what they thought of the government to be erected on the Constitution. With one more view of what the framers of that instrument were thinking, I shall close this presentation of State rights.

The thirteen States framed the Constitution. The thirteen States organized the federal government. The thirteen States gave the law by which they, the States, and they only, can alter, add to, or take from that Constitution. By that law they did not invent the Congress nor all the departments of

the federal government acting together, with power to alter, amend or even to touch the Constitution; nor was this power given to the people, as there were no people but those who were speaking and writing the words in the Constitution. They provided that three-fourths of all the States can add to, take from or abolish altogether the Constitution. But it is nowhere provided by word or implication that the federal government can alter, add to, take from, or abolish the Constitution of any State. The power to abolish was admitted by the "Great Expounder of the Constitution" in his debate with Mr. Calhoun. And whatever Mr. Webster admitted in that debate against the position he assumed and against the interests of his constituents, against New England and against the purse of his clients, I doubt that any statesman will question or deny.

Thus it is seen as clear as language can make any declaration:

First. That the States, as States, created the federal government.

Second. That the States only can alter the Constitution—the only foundation the federal government rests on.

Third. That the States can, at will, abolish the Constitution, and, ex necessitate rei, destroy the entire superstructure which is the federal government.

Fourth. That the federal government, the creature, has no power to impair or to destroy a State government—its creator.

Fifth. That if the federal government had power to destroy one State, it, a fortiori, would have power to destroy all the States. But the federal government, by destroying the States, would destroy itself, as its vitality and existence depend on the voluntary support of a majority of the States. It has already been shown how the federal government by nonaction of the States, can be destroyed, and, "like the baseless fabric of a vision, leave not a rack behind."

Sixth. That the federal government, having no powers or attributes that the States can not withdraw, at will, is in no particular a sovereignty, and as a corollary it follows:

Seventh. That in creating the federal government, not one attribute of sovereignty passed from the creator to the creature.

Eighth. That each of thirteen sovereigns having agreed to create a common agent for their common benefit and welfare, and each having retained all its sovereign attributes, the agreements thus made by the laws of nations governing the action of the sovereigns was a compact.

Ninth. By the Law of Nations, when a compact is entered into by several sovereigns and no time is named for its duration, the compact is terminable by any one of the sovereigns at will, just as the law regulating co-partnerships permits a partner to withdraw. If, however, injury be done to the other party, or parties, to the compact, by the withdrawal or secession, the party seceding is bound to make ample and full reparation. This right of withdrawal is an inalienable attribute of sovereignty.

Tenth. It follows from the foregoing premises that the Southern Sovereign States, on seceding from the Union made by the compact in 1787, only put into execution a power inherent to and inseparable from sovereignty.

CHAPTER XXVI.

SECESSION A CONCRETE AS WELL AS AN ABSTRACT RIGHT.

I have discussed the questions of State-rights; of the sovereignty of each of the States; of the total lack of sovereignty in the federal government; and of the inalienable right of a sovereign—whether a man, a nation or a republic—to withdraw from a compact formed with other sovereigns, but under the obligation imposed by the laws of nations to make reparation to the co-compactors for any loss to them that the withdrawal may cause. This obligation flows from the duty of every sovereign to do justice to every nation and every individual. The last view was presented to show the unquestionable right of the Southern States to secede from the compact of 1787, with the obligation on them to make reparation to the States remaining in the Union for any loss they may have sustained. The abstract right to secede being established, I purpose in this chapter to show, a fortiori, their right in the concrete, that is to say, their abstract right to secede not only justified, but made a duty by the injustice and the remediless wrongs done the South by the Northern people and by the Northern States.

To those who were not acquainted with the people who made up the States of the American Union, but who knew that the colonies, North and South, were from England, and that both made loud professions of Christian brotherhood and love of liberty, the spectacle they beheld in the States in the year 1861 must have shaken their faith in the rule of democracy, and have sunk the Christian religion to the level of Mohammedanism.

As to those who knew that the colonists in New England were fanatics on religion, were avaricious to the degree of making slaves of what they call their fellowmen and their equals to get money, were cruel to their own race to the extent of taking life on difference of opinion on metaphysical ques-

tions, had stocked the Southern colonies with negro slaves, and were in 1861 invading the Southern States to free the negro slaves they had sold to the South without offering to pay back a dollar of the price they had received,—the dead on the battlefield, the flames licking to ashes homes two centuries old, and the flight of the women and children by night, must have convinced them that the invaders, as they were not all lunatics, were moving under an impulse more powerful than any known religion, idealism, idol worship, or common hatred. The power of

"Mammon led them on—
Mammon, the least erected spirit that fell
From Heaven; for even in Heaven his looks and thoughts
Were always downward bent, admiring more
The riches of Heaven's pavement, trodden gold,
Than aught divine, or holy, else enjoyed
In vision beatific."

Those who had studied the course of the Puritans in England—more vagrant than that of the wandering Ulysses; as turbulent as the traitorous Catiline, and as much more pestilent as things spiritual are above things secular—a few zealots striving to force on England a religion they did not wholly embrace, and which had no better definition than hostility to all other religions; those who kept step with them after they got command in Massachusetts Bay; who saw their imitation of and improvement on Bishop Laud's methods of persecution and punishment; the hanging of men and women not for heresy but for nonconformity; their fleets of slave ships plying between Massachusetts, Rhode Island, Connecticut and Africa—ballasted with rum going, freighted to the gunwales with negro slaves coming; who watched the violation of their plighted faith and oaths to support the Constitution; who saw them by deliberate legislation nullify the fugitive slave laws of Congress; who witnessed the operation of the underground railroad loaded with property stolen from Southerners; who saw Abraham Lincoln seek anxiously the Presidency at the hands of a mob whose avowed purpose to free the slaves Lincoln knew and had known for many years, and who heard him proclaimed elected in November, 1860—those disinterested

spectators would have justly denounced the men of the South as cowards and degenerates, if they had not seceded.

Mr. Webster submitted four propositions in reply to Calhoun which he contended to be the law of the Constitution. The first and second I have already discussed. The fourth bears directly on the question I am now considering, and is as follows:

"That an attempt by a State to abrogate, annul or nullify an act of Congress, or to arrest its operation within her limits on the ground that in her opinion such law is unconstitutional, is a direct usurpation of the just powers of the general government and of the equal rights of other States; a plain violation of the Constitution and a proceeding essentially revolutionary in its character and tendency."

"I thank thee, Jew, for teaching me that word!" A quotation worn from use, but a bit too palpable, here, to be overlooked. If this master of words, by prophetic vision had seen what the legislatures of eleven Northern States did after that speech, by passing acts expressly to nullify the act of Congress called the "Fugitive Slave Law", his language, just quoted, is the very best he could have employed to define the "revolutionary character" of the legislation of those States. The Constitution has this clause; Art. IV, Sec. 2, Par. 3. "No person held to Service, or Labour, in one State, under the Laws thereof, escaping into another, shall, in consequence of any Law or Regulation therein, be discharged from such Service and Labour, but shall be delivered up on claim of the party to whom such Service or Labour shall be due." It has never been doubted, by lawyers and Judges, but has been denied by Northern negro-thieves, that the "persons held to service" means only fugitive negro slaves. Eleven Northern States "attempted to abrogate, annul and nullify two Acts of Congress, and to arrest their operation within the limits of each of those eleven States," and that, as Mr. Webster truly said, was "a plain violation of the Constitution, and a proceeding essentially revolutionary." If the attempt to nullify a tariff law be revolutionary the attempt to nullify a Statute of Congress requiring delivery of an owner's slave on demand, is revolutionary. The latter case is much stronger than the former,

because the Constitution provides in express words for the owner to have his slave, whereas, there is not a word in the Constitution about the tariff, or protection, or fostering one industry at the expense of all others. While it is the law that Congress can raise revenue by levying imposts, it is undeniable that Congress cannot lawfully lay imposts so heavy as to oppress A to benefit B. Where the limit of its power to levy that tax lies, is the debatable ground. South Carolina believed Congress had gone beyond that limit, and that her reserved right to interfere was, therefore, lawful.

To say her constitutional right to interfere is not the correct phrase. The right to the Presidency after due election; the right to a U. S. judgeship after nomination by the President and legal confirmation by the Senate; the right to draw one's salary as an ambassador, congressman, or consul, is a constitutional right. These offices are created by the agreement of the 13 States that is evidenced by that written document. But when we speak of State-rights we are speaking of the rights of a Sovereign. They do not arise from nor are they dependent on the Constitution, or any other agency, Power, Sovereign, or Sovereignty on earth. They are in no sense derivative, except that the State springs full-fledged from the united heads, wills and hearts of the people, who breathe into it the breath of life. At that moment the State is a Sovereign, with power to do any act she or the people that represent her may decide to do, provided the act shall not infringe on the rights or interests of any other Sovereign. When the people of Massachusetts met in convention to ratify the Constitution, they could have resolved and passed an order, or decree to hang John Adams, and all the Powers on earth could not, rightfully, have prevented the hanging. Yea, more, when Daniel Webster delivered that grand speech on the Constitution and the Union in the Senate, March 7th, 1850, the people of Massachusetts, instead of mobbing him and tearing him to pieces, could, after adjournment of Congress, have elected delegates to a State convention, and those delegates, after organization, could by ordinance have repealed the the State Constitution, and then by vote could have ordered the Sergeant-at-Arms to arrest Daniel Webster and to hang him from Faneuil Hall, and no power on earth

could have lawfully interfered to prevent the hanging. Those who for a century have believed the government of the United States to be omnipotent, or, at least, the Sovereign Ruler of each and all the States, will say that it, the supreme power, could send the army into Massachusetts to save the victim, or could, through the judicial department, by habeas corpus, command the sergeant-at-arms to bring the body of Daniel Webster at once before the Court, and then by judgment declaring his arrest and detention illegal, discharge him from further custody.

Had Virginia, in solemn convention, ordered that George Washington should be hanged, or burnt alive, no other Power could lawfully have prevented the execution of that order. The civilized nations of Europe for centuries have been horrified by the massacre of Christians by that embodiment of tyranny, the brutal Sultan, and have strained against that irrefragable chain—the law of Nations that bound them—to get their hands around his throat, but they could not reach him. He was hedged about by the divinity that protects every sovereign, and his own sweet will could not be thwarted so long as he acted within his own acknowledged borders.

It is an easy problem—if problem at all—to apply the foregoing undeniable law of nations to the State of South Carolina in 1830 and to the Southern States in 1861. They all were sovereigns in 1787 when they agreed to the Constitution. This opinion, as I understand the relation between the States and the federal government, and the sovereign powers of each State, is not based on the law of the Constitution, but on the law of nations. The federal judiciary has no original jurisdiction over the criminal procedure of a State, or of crime not committed on soil within the exclusive jurisdiction of the United States, as in forts, arsenals, lighthouses, mints, custom houses and the like. In the Constitution as adopted by the nine States there is no power delegated by the States that enables any department of the federal government to arrest the supposed action of Massachusetts. The powers conferred on the Judiciary Article III, Sec. 2, are exclusively civil. If Mr. Webster were arrested, except for treason, felony or breach of the peace, during a session of Congress, or going to or returning

from Congress, the writ of habeas corpus from a federal court would run. Hence, I said above, "after adjournment of Congress."

Of the first ten amendments to the Constitution only two, the fifth and sixth, speak of criminal cases or trials. The only reference to criminal law or procedure in the original Constitution relates to trial by impeachment which is strictly a Federal provision and is not a proceeding by judges and juries, or by judges only. The House prosecutes and the Senate sits as a court, presided over by the Chief Justice.

At first blush, the fifth and sixth amendments seem to lay some inhibition on Massachusetts in the case supposed, and I proceed now to consider them. We must not forget that the question involves primarily the Law of Nations, and that that law grows out of and is based exclusively on sovereignty. We must look at the State of Massachusetts as she stood before and at the time she voted to enter the Union. She was clothed, humanly speaking and in relation to other powers, with omnipotence as to limitations within her own territorial jurisdiction. I speak of omnipotence not as unlimited as to ability for execution, but as unrestrained within her borders by any possible human control. She was as untrammeled as the Thirty Tyrants, or Turkey, or any one of the twelve Caesars. For what she did in civil or criminal procedure at home she was responsible to no one, to no Power on earth. Her only responsibility for any act was to the Ruler of the Universe.

Vattel in the Preliminaries to his treatise, page 59 says: "Nations being free and independent, though the conduct of one of them be illegal and condemnable by the laws of conscience, the others are bound to acquiesce in it when it does not infringe upon their perfect rights. The liberty of that nation would not remain entire if the others were to arrogate to themselves the right of inspecting and regulating her actions; an assumption on their part that would be contrary to the law of Nations, which declares every nation free and independent of all the others."

CHAPTER XXVII.

THE RIGHT WAY TO DETERMINE THE QUESTION.

The ruling vice of Mr. Webster's arguments with Hayne and Calhoun was his dishonesty of both head and heart. I have shown where his heart was. It was with New England, his mother; with his brothers and sisters for whom the Tariff for Protection was distilling fatness, and its offspring, power; and it was with and bound to the "Committee of Forty" who had bought him. I leave that view as presented, because it does not reach the question of the "good or evil to the Constitution of the country he might do" by his speech, January 26th, 1830. A man may be dishonest and, yet, reason like an angel. He may be honest and reason like a fool. Mr. Webster was a master of logic, and his fault in this debate was in the position he chose. There is a tiresome quantity of verbiage in both speeches, to one who is searching for the thread of arguments on which it is strung. This is one of the arts of a sophist or a demagogue. He seeks to "darken counsel by words without wisdom." As I understand this question it is not necessary to do more than to state what it was and still is, and then to dissect Mr. Webster's treatment. The questions were (1): Does the Constitution prohibit a State, or ten or forty States to nullify an Act of Congress by preventing its operation within its or their border? (2): Does the Constitution prohibit a State, or ten or forty States, to secede from the Union with or without cause to be decided by its, or their, citizens?

The Constitution being silent, the question had to be determined as other legal documents, as the meaning of contracts and statutes, for example, must be found. The Constitution was a legal document. The Senate was sitting as a Court to ascertain its meaning on a vital question on which not a sentence, or word, in its entire compass shed a ray of light. It will be of great assistance to know how a Court of learned Judges, of a State Supreme Court or of the United States Supreme

Court, would have proceeded in an endeavor—honest, of course, —to decide either question that the Senate had under consideration. The first act of the Court would be to read the Constitution to find out what it had to say. If they found it silent, they would resort to its preamble for some intimation that might assist them. If they should find none, they would again read the body of the Constitution to see if they could possibly find if any part might by intendment or dubious meaning throw any light on the intention of the makers. If they should find every article, section, sentence and word clear, distinct, unequivocal, with but one possible meaning, they would next and as a last resort, look at the parties to the contract and all their surroundings and circumstances to ascertain what they intended to do before they signed the paper. This would be on the hypothesis that all the signers were of age, were of sound mind, and acting from free will. If the Court knew that the parties to the contract were free and independent sovereigns, they would adopt another line of thought. They would lay aside municipal law and take up the laws that govern Nations, States, and all other Sovereigns. And it is just at this point in his investigation that Daniel Webster, the Judge, balked, halted and turned away. He saw that if he entered upon that ground he would be in the enemy's line, where his weapon would not be as effective as a wooden lath, and that he would have to surrender.

Before taking up the line of argument the Court would have followed when scanning the text of the Constitution, and the Law of Nations by which the Court would have decided the question, I will submit a few remarks on the two main grounds on which Mr. Webster relied. The first was, that "We, the people of the United States, framed and adopted the Constitution." When he took that position he knew that he was doing what no court would listen to. He was overriding a cardinal rule for construing statutes and all legal documents that begin with a preamble, or other introductory writing. The rule is that a preamble can not be used to construe a statute or writing unless there is ambiguity in the body of the paper. There is no ambiguity in that instrument. It is as clear, plain and explicit as the Decalogue, or the Sermon on the Mount, excepting always that India rubber phrase, "the general welfare," which reminds

a lawyer of the donee who was promised as much land as an ox hide could cover, and who cut the hide around from border to center in an unbroken string and claimed "acres of land." His resort to the preamble was to dodge "the States" that the Constitution bristled with. He was trying to keep out of the way where stood confronting him "The Laws of Nations." If the people en masse, made the Constitution, the Law of Nations would not apply, because that would have been the act of one nation. If each State as a sovereign acted separately, he would be forced to accept the gage of battle thrown at him by Calhoun, and fight it out on the ground of sovereignty. The question was, is there any part of the Constitution between the States that impairs the right of a sovereign to withdraw. He endeavored to shift the issue by contending that the States did not make the compact, but that all the people within the States, acting as one body, made it. For this reason he had to build his argument on the preamble. Further on I shall take up the question thus made by Mr. Webster. I will now consider his contention that "the people settled the question for all time."

In strictness of polemics, a construction of the Constitution was not the question before the Senate, or rather, was not involved in the discussion. The real issue turned solely on the Law of Nations. The Constitution was as silent as the grave on nullification and secession, and the discussion was along the line of prohibition, or non-prohibition of both. The issue was then and is now;—

When several sovereigns make a compact, contract, convention, or agreement (call it as you please) to do certain acts through an agent, and no time for its duration is fixed, can one or more of the sovereigns withdraw or secede at will?

This, as I conceive, is the whole question. It must be borne in mind that matters of justice and equity between the parties are not involved in the question. The Laws of Nations provide for that contingency. It is one of power and privilege that are inherent to sovereignty, and immutable and indestructible. For when one power is lost or destroyed, sovereignty is destroyed. Sovereignty is a unit, a perfect globe, and can not be diminished. Diminution is destruction.

CHAPTER XXVIII.

SOVEREIGNTY AND THE LAW OF NATIONS.

Did the thirteen States, each a sovereign, intend to destroy their sovereignty when they agreed to unite and exercise jointly through a common agent a few of their sovereign powers? And whether they so intended or not, did they, in reality, destroy their sovereignty when they adopted the Constitution? Just this is the place and time to quote a few pertinent paragraphs and sentences from "The Law of Nations." I select Vattel, a writer well accredited. It will aid in forming the right conclusions, to submit a few reflections between the various sections and paragraphs of Vattel's book. Besides it is better to consider the nature of our federal government, as it seems to be in the North the generalissimo of the Union—in other words, a nation over all the States. This view or belief pervades that section.

"A nation or State," says Vattel, "is a society composed of men who have united, forming one body politic, for mutual safety and advantage. It is based on the laws, rights, powers and privileges that every man has in a state of nature. One of the laws of nature is perfect freedom and independence to do as he may will, but with the restriction to accord to all other men the same rights, powers and privileges, and not to interfere with them."

Again, Page 3, Chapter 1st. "Several sovereigns and independent States may unite themselves by a perpetual confederacy, without ceasing to be, each individually, a perfect State. They will together constitute a republic; their joint deliberations will not impair the sovereignty of each member, though they may, in certain respects, put some restraint on the exercise of it (sovereignty), in virtue of voluntary engagements. A person does not cease to be free and independent, when he is obliged to fulfill engagements which he has voluntarily contracted."

Let it be borne in mind that each of the States, acting separately, was governed, externally, by no law but the law of Nations; that when they united they were still sovereigns and that as such they were still governed by the laws of Nations, except so far as by agreement (the Constitution) they had voluntarily restrained themselves from the exercise of a few powers of a sovereign, and had delegated that right to a common agent to be used by it "for their mutual safety and advantage." By the law of Nations just quoted, we know that the States after the union remained sovereign. Without referring to the Constitution we know that they, being sovereign, were still vested with all rights, powers, privileges, et cetera, that constitute sovereignty. But it is contended that when the States delegated to Congress certain powers they divested themselves of those powers, and that Congress received them as an unconditional grant in perpetuity. To that contention there are several answers—each one complete.

First: Sovereignty can only be held by human beings acting together as a community. It can not exist in a thing, in a paper document, or in machinery called a government. If the States, each acting alone, attempted to grant their sovereign power to declare war, levy taxes, or any other power, there was no man, or State, or nation, free and independent, that could take title to the thing they intended to grant. The Constitution, a paper, could not take the grant. The government, which is nothing more than the will of sovereignty in action, could not take it. The men who were to operate the government could not take it, because they were not known—they were in fieri. A grant must vest in some human being, instanter, and a grant of a sovereign power must vest in a sovereign, as only a sovereign can hold and exercise sovereign powers. It may be said that, before the reign of the virgin Queen, Kings of England often granted monopolies to favorites and that they thus granted a sovereign right to subjects. The Kings did not give away a sovereign right. Vattel says they could not do it, as the Law of Nations forbids it. They gave the privilege to exercise a right inherent to the crown, but a privilege defeasible at will or on the death of the King.

Second: Vattel, Page 30, states another law of Nations or States to be this: "Every true sovereignty is, in its own nature, unalienable." Every State before the Union was a true sovereignty. The existence of a true sovereignty stripped of any powers that, by the Law of Nations, belong to a sovereign, is a paradox. It is to say ten are ten after five are deducted.

Third: As hitherto said, the people in the States—the citizens of each State, were the only people in the States before and after they united. There were no people of the United States. And as already shown in a prior chapter, there were no human beings (who are necessary to sovereignty) to take even one attribute of sovereignty. Hence, the thirteen separate peoples, when they acted in union in adopting the Constitution, could not, even if they so intended, grant, or divest themselves of any of their sovereign powers. If they made the attempt, they were trying to destroy their own sovereignty; they were trying to give away sovereign powers to a nonexistent thing; they were giving away, as a man would give who takes a dollar from his right-hand pocket and puts it in the left-hand pocket. A man, in a state of nature, possessed of all sovereign powers, can not donate them, or any one of them, to himself. So, the sovereign thirteen States could not grant to themselves that of which they, by the law of Nations, following the law of nature, were already possessed.

Fourth: We have so far discussed the question only in the light of the Law of Nations. Vattel says that Law is immutable. A thing immutable is unchangeable and indestructible. We will now endeavor to ascertain whether the Federal Constitution—the only base the federal government stands on, the only bond between the sovereign States, contains any Article, Section, Paragraph, Line or Word that is an attempt to change "the immutable law of Nations." In other words, does it witness that each sovereign State attempted to cut itself in twain—to give away about half of its sovereign powers, rights, privileges, etc., and to leave itself a political and national torso, without the power to make war to preserve its existence, or if fight it must, to fight like heroic Widrington, "on his stumps" after he lost his legs. This power to declare war is selected, first, because it is the most important sovereign power for self-

preservation, and, second, because it is the power that Lincoln assumed to be a constitutional right, and used it to destroy the Southern Confederacy. If we can find this sovereign power was not granted by the States to the federal government we arrive at two inevitable conclusions, each more terrible than the monsters Sin and Death, that Satan met guarding the gate of Hell. The first is that Abraham Lincoln violated the Constitution and his oath when, as Commander-in-Chief, he at the head of seventy-five thousand armed men, invaded the borders of a sovereign State—Virginia; and, second, that not the federal government, but the twenty-four sovereign States of the North combined—not by right given by the Law of Nations, not by right given by the Constitution, but by right of the "Higher Law" by which every outlaw commits arson, murder and rape —and, with millions of citizens ordered out by the States, invaded the borders of eleven Southern sovereign States, and by vastly superior numbers and metal, in violation of the Law of Nations, forced them back into the Union.

What will be said of the power "to declare" (which includes the power to make and to prosecute) "War," applies with equal force to every other power given to each of the three Departments named in the Constitution. Under the head "State Rights" an analysis of the Constitution was made. Therefore, I shall but briefly review here what the States said of the power to declare war.

They said "the Congress shall have power to declare war" and that the President shall be Commander-in-Chief of the army and navy." But they said the Congress shall not give him money to carry on war for a period longer than two years. Is there any sovereignty given to a man who, when at war, must stop dead still, like grandfather's clock, unless the Congress shall vote for his use more money? And this sovereign over Northern (but not Southern) sovereign States, must account for every dollar thus voted to him, not as a sovereign, but only as commander of the army and navy. Is that sovereignty? But he is not permitted to handle a dollar of the money voted for war. The money goes into the treasury. He can't touch it. His subordinate, the Secretary of the Treasury, keeps it and pays it out under fixed rules. When the war is over this Northern

sovereign can not make a treaty with the enemy—nor, indeed, a treaty with any sovereign at peace with the States acting together under their agreement, or contract, or compact called the Constitution. The people of the several States have sent some servants to Washington—called by the Constitution Senators—to make treaties for them. And the sovereign States have told those Senators that their masters will not be bound by any treaty unless two-thirds of them approve it. Is that the language of servants to their sovereign? The President, the States' head servant, but the people's sovereign up North, is authorized to act as clerk and write down the proposed terms for a treaty, and he must then hand the paper to their other servants, two-thirds of whom are authorized to say "Yes" and if a majority, or one less than two-thirds say "No," the head servant's paper goes to the waste basket or pigeon hole as a curio for future reference.

The President, the States' head servant, can not appoint one ambassador, one judge, one consul, and many other officers without saying to the States' Senators—"by your leave, Sirs!" And, should he be reasonably suspected of treason, bribery, or other high crimes, and even of misdemeanors, the States, acting through their servants in the House of Representatives, can accuse and arraign him, and those other servants—the States' senators—can try and punish him. At the North this head servant is a sovereign, or, at least, is vested by the States' with sovereign powers.

But the North says Congress can declare war, and as the war power is one of the attributes of sovereignty, therefore this power makes Congress, pro tanto, a sovereign body. Well it seems that just here, I have struck a snag, because I am compelled to admit that Vattel's definition of a nation, State, or sovereign, in its letter, fits Congress "joust like de paper on de vall." He says "Nations, or States, are bodies politic, societies of men **united together for the purpose of promoting their mutual safety and advantage by the joint efforts of their combined strength.**" That definition seems to cover—"You tickle me and I'll tickle you"—"You scratch my back, and I'll scratch your back"—"You vote for my bill to help re-elect me, and I'll do the same for you." "Let's all by the joint efforts of our combined strength hoist our salary from $5,000.00 up to

$7,500.00 and vote $1,500.00 apiece for clerks."—"Help me roll my log, and I'll help you roll your log."—"You help me to get money to clean out 'Suffrage' branch and I'll vote for your rotten pension bills." Sic Transit pecuniae populi! While this fits Congress as a whole, it does not fit all Congressmen. There are some clean men in that body.

The Congress can declare war and vote money to carry it on. Monarchs collect the money, go to war and keep at it so long as they will. That is sovereign power. But Congress can not do that. The States make the Congress. They elect both branches. Every two years they dismiss all members of one branch and one third of the other. If the States disapprove of a war they can notify those servants to stop it. If they do not obey, the States, on a given day, can call them up and cut off their official heads and send others at once to a called session of Congress, ordered to stop the war, and they will stop it. This is the law promulgated by thirteen sovereigns in their compact made in 1787, and was the law under which they agreed to live together; was the law when in 1861, twenty-two sovereign Northern States made war on eleven sovereign Southern States, and it is the law today. Where is any sovereignty, under that law, to be found in the President, or in Congress, or in the federal judiciary?

Again, waiving for the moment the fact that the federal government was not a pre-existing nation, or State, capable of course of receiving and holding a grant by another sovereign of any of his or its powers, and assuming as true that the thirteen States granted, or tried to grant, some of their sovereign powers and rights to the federal government, then, the imporant question is, in whom did those granted powers vest? Take the power to declare war. Is it vested in Congress? If so, with this and more than forty other powers (Art. 7, Section VIII), Congress has more attributes of sovereignty than all the States have. A sovereign power is fixed, permanent. Vattel says it is inalienable even by a monarch without the consent of his subjects. On the 4th of March every second year Congress expires. It is politically dead. True, successors have been elected by the States the year before, but they are not Congressmen *in presenti.* They are not qualified to declare war, nor to exercise any other of the many powers of Congress. They are only heirs expectant

—members elect. Their only power is to draw their salary monthly, a privilege not granted by the Constitution, but by themselves. There is no Congress for nine months. In order to be a Congress they must assemble and be sworn. This point I have raised in another chapter, but it is very pertinent here. As "sovereignty is immutable" so must be that which is an attribute of sovereignty, as, for instance, the power to wage war. If lost by grant to another sovereign, it can not be taken back. It is lost to the grantor forever. Therefore, if Congress by sovereign grant took the power to wage war, the States lost it. When Congress dies by law what becomes of all its alleged sovereign powers? Where are they during the nine months of interval? Did they issue from the dead sovereigns, and, like fairy elves, keep midnight revels through dismal corridors, awaiting the next crop of States' servants to glide into their trousers, or perch on their pates, and thus make them sovereign? If not, where did they rest, or dwell? Sovereign powers do not lie around loose. They have a local habitation, and are immortal.

But the thirteen States did more to show the world that they understood the Law of Nations, and their determination to hold every power, right and privilege of a nation. They, as a last word, declared that they were appointing an agent and nothing more to act for them for "the purpose of promoting their mutual safety and advantage." They considered the agreement that bound them together as only tentative. This view was held by Alexander Hamilton even after the Union was formed. It might not be the blessing they sought. It might be advisable to add to, or to take from it. The Union was an untried experiment without precedent. Looking ahead, therefore, as their last declaration they announced—"When we wish to make a change, three-fourths of us will meet and make such changes by taking from, or adding to, as we desire." Under that reserved power three-fourths of the States can take from Congress the power to declare war, and to levy taxes, and to compel ninety men to support one man in idleness, who spends the money they must hand over to him, in royal feasts for monkeys and dogs, in foreign lands, and importing anarchists, members of the Mafia and Black Hand, to break every strike, to buy legislators and con-

gressmen—more degraded than negro slaves; to keep up the despotism with face of friend and heart of fiend and caressing with the lips while robbing with the hands—that masquerades under the name of Protection.

We have seen from the foregoing what is the relation, the status in law, of the States to the government they created. We must now consider what is their relation to each other under their written bond of union. Vattel says: "It is essential to every civil society, that each member have resigned a part of his right to the body of the society, and that there exist in it an authority capable of commanding all the members, of giving them laws, and of compelling those who should refuse to obey. **Nothing of this kind can be conceived or supposed to subsist between nations.** .Each sovereign State claims, and actually possesses, an absolute independence of all the others. They are all, according to Monsieur Wolf himself, "to be considered as so many individuals who live together in a state of nature, and who acknowledge no other laws but those of nature, or her Great Author." I suspend the discussion, for a moment, to submit a pertinent reflection.

The absolute independence of a State—its possession of immutable powers and rights, as complete as one man would have were he the only human being on the earth—can not possibly be too strongly stressed. This will not be denied even by frivolous readers who know the dangerous and deadly views—leading to monarchy and despotism—that are entertained with comfort and delight by people in the Northern States, especially in New England. To prove this assertion it is only necessary to quote a statement by John Fiske, philosopher, scholar, professor of history, and able writer. He was born at Hartford, 1842, educated at Harvard University; graduated 1863, at 21 years; was professor of history at Harvard—delivered lectures on American history in Boston—repeated them in London and Edinburgh—wrote fourteen books and many essays, and died much too late, in 1901.

I give this extended sketch to show his bulk in New England as teacher, historian and scholar. He received his education while the twenty-two sovereign Northern States, and not the federal government, as he was taught, were shooting to death

the Southern Confederacy, composed of eleven sovereign States. We must, therefore, believe he wrote, and taught as American history and as the Law of Nations, what he was taught at Harvard and what he absorbed as he rubbed against statesmen of New England, of whom Henry Cabot Lodge is a select sample. Mr. Fiske says: "The State, while it does not possess such attributes of sovereignty as were, by our federal constitution, granted to the United States, does, nevertheless, possess many very important and essential characteristics of a sovereign body."

Here we are comforted by the assurance of a New England philosopher and scholar that, although each American State—like a young buck, who, just of age, rich and strong, and sowing wild oats, squanders nearly all of his fortune—was such a fool as to give away the most valuable of its powers, it still had enough left, like the old woman with her whiskey, "to worry along with."

This teaching is more direful than an act of treason. The hanging of a traitor produces a quieting effect on the public pulse, and quells seditious tendency in others. But here is a seditionary bearing the seal and imprimatur of Harvard University, journeying, without stop, through the Union, accredited by high repute as a fit personage for entree to cultured circles and, when received, he sows in the mind of age and youth seed that will bear the fruits of usurpation, then plutocratic rule, followed by despotism. He is like the Puritan emissaries who, sent with Bibles for sale, gained through them hospitable reception from the masters, and then, under cover of night, sought the slaves and poured into the porches of their ears the hebenon of sedition, insurrection and assassination. No youth from the South or West should be sent to Harvard, or Yale, or any New England school where such destructive political heresy is taught. No Southern library should give space to this sapper and miner of sovereignty of the States. Southern youth can do far better in Southern colleges and universities where the head, like Fiske's federal government, is supreme, than at Harvard or Yale, where the feet, arms and legs are in the lead, and the head plays second fiddle, or kettle drum ,and the graduate returns with more Yale locks in his trousers than of "Locke's Understanding" in his head.

CHAPTER XXIX.

THE HUMAN LAW OF HIGHEST AUTHORITY.

There has long prevailed a gross misconception of what the makers of that compact meant by saying "the Constitution, and laws made in pursuance thereof, and treaties, shall be the supreme law of the land." They are of higher control than even the Constitutions of the States, and, for that reason only, the impression has been general that every citizen of every State owes allegiance to the Constitution, the laws made by Congress, and treaties. This misapprehension arises from confounding allegiance to a sovereign with obedience to law. The two are as different as cause differs from effect. The citizen, or subject, must obey the laws. But there are gradations of law in this country. They rise like stair-steps. There is the law of custom, the canon law, the civil law, the common law, the statute law, organic or constitutional law, the law of treaties and the law of Nations. In order to insure domestic tranquility, that is, harmony between the States, our wise forbears declared that those three classes of laws should have higher authority than any State laws. This was the sole purpose of that second paragraph in Article VI. Without it, there would have been "confusion worse confounded" among the States. It is simply the arbiter appointed, or umpire, between the States.

But, even they are not the highest law. They are but conventional law, law by agreement of the States—the parties to the convention. They affect no one else—no other Power, or people. They are entirely domestic—a family arrangement. But, above that law, and above and controlling the States is the law of highest authority known to the human race. It is the Law of Nations. A new born nation does not have to agree to it. There is no initiation—no baptism. As soon as it breathes, this law becomes its vestment for life. This law is like the circumambient air. No nation can escape from it—no nation can live without it. It has been established by the greatest and wisest men of all the earth since Justice, Mercy, Honor and Truth have been recognized among civilized men as the true, the right and

the only safe rule of action among nations. It has its organic law, and under that it has a code of laws. Its organic law is to establish justice, insure tranquility, provide for the common defense, to promote the general welfare, and to secure the blessings of liberty to all citizens and subjects. One of its fundamental laws is protection of the citizens or subjects by the sovereign power, and, in return, allegiance from the citizens and subjects to the protecting sovereign Power. A mutual duty is thus established that neither the Sovereign, nor the citizens, or subjects, can violate. They may wander like nomads to the ends of the earth, and that chain, always lengthening as they wander, is never broken. From the desert sands, from the wilds of the jungle, from the isles of all the seas, the subject of a sovereign may call on him for protection, and not call in vain. And the sovereign, if in danger from foreign foes, can demand his return, and he must obey.

Because officers of the army and the navy are educated for and in the art of war at West Point and Annapolis, without cost to themselves, they are impressed with the idea that they and their services belong to the federal government at all times and under all conditions. Some of them seem to think that the federal government owns the money that is spent for their education. They seem not to know that the people of the States supply all the money to conduct these military schools; that they are educated by the States for their protection; that the federal government is nothing but the financial agent of the States, and, in its own right, owns nothing. Hence, some of those officers conceived that their allegiance was due to the federal government. They seemed to believe that the government was and is a sovereign nation. They seem not to understand that sovereignty is in each State, and that the Constitution is but an agreement by thirteen sovereigns to erect a government to represent them in their relations to other sovereigns, and to conduct their inter-State relations. Hence, when the division of the States occurred in 1861, some of the officers in the army and navy believed their allegiance was due to the federal government as a Nation over and controlling all the States. A greater, more grievous and ruinous error was never made.

Historians, publicists and statesmen will look for higher authority on this question of Sovereignty and Allegiance than the opinion of the Sewards with their "Higher Law", the Garrisons with their damnation of the Constitution, and of Lincoln and the fanatics who elected and followed him in his insane invasion of the South, his suspension of the writ of habeas corpus and proclamation of martial law throughout the Northern States, his arrest and imprisonment of Northern editors, legislators, diplomats, a U. S. Senator, and forty thousand other peaceable citizens, his suppression by the military of freedom of speech and of the press, and his control of the ballot-box in eight or more Northern States to secure his second term as President.

The Nationalists ignore the Laws of Nations, but the Laws of Nations will not be ignored. The Nationalists sprang from a race of fanatics—the Puritans—whose code from 1637, when they in convention at Salem, Massachusetts, established their Procrustean religion, to this hour, was and is to override every obstacle that might conflict with their two controlling passions—Religious Fanaticism and Avarice. Hence, in their view of State Rights, Sovereignty and Allegiance, there is nothing within their horizon but the Constitution, and in that they can see nothing but petty communities called States, all under the sovereign dominion of a great consolidated Nation called "The United States". With triumphant tone they read:

"This Constitution and the laws of the United States which shall be made in pursuance thereof; and all Treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land." No one since the Constitution was agreed to has ever questioned the validity and the wisdom of that clause, and the supremacy of the three classes of laws therein named—the Constitution, the laws of Congress that do not violate it, and treaties with foreign nations. The thirteen States agreed to that clause, and it would be idiotic in them and in any State since admitted into the Union to say it is not law superior to all State laws. But that clause has no possible bearing on State Rights, State Sovereignty and Allegiance. That clause is indispensable. Two of the six purposes named in the preamble, that induced the States to form a Union,

to-wit; "to establish justice and insure domestic tranquility", could not possibly have been effected without an agreement that, in cases of conflict between statutes of thirteen States and judicial decisions of their courts, there should be a controlling authority. Hence, they agreed that the Constitution, and the laws of their Congress, and treaties their common agent might make for them with foreign nations, should be the supreme law. "The laws of the United States" mentioned in that clause are nothing more than Acts of Congress. The word "laws" has a distinct, technical meaning. In a republic it means enactments by a legislative body. A Constitution or a treaty, while being law, is not classed among "laws." The first Article and first Section of the Constitution demonstrates that "the United States," in that clause establishing the supreme law, is synonymous with Congress. It reads: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives." The President can not make a law. The federal courts can not legislate, that is—lawfully. And the United States, which are the States United, can not legislate, nor give judicial judgments, nor execute the laws. But the Nationalists assume that the States are entirely subordinate to the federal government, because they agreed that "the Constitution and the lawful statutes of the United States (that is, of Congress) and treaties shall be the supreme law of the land." There never was a more glaring **non sequitur.** The agreement to make one civil law of more authority than another has no bearing on the question of sovereignty and allegiance. Men do not owe allegiance to the law they make. The people who make the law are above it—can unmake it at pleasure. But the people—a State for instance—who make it, in their social aggregation, are the sovereign, and to that aggregated body each citizen owes allegiance. It is simply nonsense to speak of allegiance to a law.

There is another hypothesis which is a test of the sincerity of the Nationalists and of their Allegiance. The Puritans, during fifty years before the Southern States seceded, made frequent threats to secede, that their supersensitive consciences might be rid of the sin their sainted Pilgrim Fathers saddled on the South—that "twin sister of barbarism"—slavery. Even as

late as two years before they started out on their Holy Crusade to kill the Southern barbarians, and to give the down-trodden, manacled, fettered and starved negroes freedom and social equality with themselves, a convention of these religious fanatics was held in Worcester, Massachusetts. They adopted ten Resolutions, which are printed in the appendix hereto. Two of their Resolutions will suffice at this point:

"Resolved, That this movement does not seek merely disunion, but the more perfect union of the free States by the expulsion of the slave States from the confederation in which they have ever been an element of discord, danger and disgrace.

"Resolved, That the sooner the separation takes place, the more peaceful it will be; but that peace or war is a secondary consideration in view of our present perils. Slavery must be conquered, peaceably if we can, forcibly if we must."

One Resolution reads that the "meeting was attended by men of various parties and affinities."

The hypothesis is this: Suppose that these repeated threats to secede had been carried into effect, and the twenty-two free States had seceded and formed another confederation, leaving the Southern States in and as the Union, to which would the citizens of Massachusetts, for instance, have owed their allegiance? What would Wendell Phillips, Garrison, Emerson, J. Russell Lowell, Charles Sumner, Henry Wilson, (Vice-President under Grant) and that troop of parlor warriors and shouters of "Rebels, Rebellion, Traitors and Treason," have done? Would they have clung to the Union, or stood by the new "confederation?" Would they have taken up arms to drive Massachusetts back into the Union? Suppose those seceded States had chosen their "Higher Law" genius, William H. Seward of New York, to be President, would those immaculate patriots have sung "Hang Bill Seward on a sour-apple tree?" Would any one of these foul-mouthed denouncers of every Southern man as a rebel and traitor, have left Massachusetts to fight for the old Union? If the President and Congress of the old Union had sent ships and blockaded the entire coast of New England, would they have saluted the old flag of the United States as their own? Would each, with the mock fidelity of Lincoln in his first Inaugural, have exclaimed

"I have sworn to support the Constitution and the laws, and my allegiance is to it. I owe no allegiance to Massachusetts?"

Any one who might have put these questions to these malignant haters of the South and her people would have received such answer that he would have thought he was "struck with Heaven's afflicting thunder and besought the deep of Hell to shelter him." If secession by the slave States made their citizens rebels and traitors, secession by the free States would have made their citizens rebels and traitors. The cry of "Rebel," "Rurbellyion," "Tur-raitor," "Tur-reason," was the most despicable and infamous attempt to stigmatize and to fix odium on a patriotic, honorable and innocent people. It was an unveiled, a naked shame; it was organized hypocrisy; it was impotent malignancy; it was cunning knavery; it was malicious conspiracy; and, far worse than these, it was the devilish device of avaricious fathers to decoy hundreds of thousands of innocent and ignorant boys into the fiery furnace of battle under the delusion that they were fighting rebels to save the Union, instead of dying to gratify the ambition of an insane infidel to be known in history as the "Great Emancipator."

A summing up will now be made of the foregoing discussion of the law of Sovereignty, Allegiance and Citizenship. The reader is requested again to remember that the law that determines these questions is to be found between the year 1783, when Great Britain acknowledged the sovereignty, freedom and independence of the thirteen States, each by its name, and the year 1804 when the twelfth amendment to the Constitution was made; because the law as it was between those two dates underwent no change before the Southern States seceded. The three negro amendments made after the war of 1861-5 have no possible bearing on the questions herein considered. The growth of this country, the increase of States from thirteen to forty-eight, the acquisition of territory, from that of Louisiana to Alaska and Panama, the multiplication of vast industries, the interlacing and entanglement of private interests crossing State lines, and the palpable encroachments and usurpations by the three departments of the federal government, do not affect, in the least, the law in force—to-wit, the Law of Nations and the Constitution in 1804 and 1861. With this precaution a resume will now be given.

FIRST: Each State was sovereign, free and independent in 1783.

SECOND: Each State in 1787, acting separately, sent delegates to Philadelphia to endeavor to frame an instrument in writing that would be the basis for a union.

THIRD: The delegates agreed on what was and is called The Constitution.

FOURTH: Each State, by a convention that represented the sovereignty of the State, discussed the entire instrument, and agreed or disagreed to it.

FIFTH: Before the States entered the Union there were no people within the territory of the thirteen States but the citizens of each Sate, and the citizens of each State owed allegiance to it and to it only.

SIXTH: When nine States agreed to the Constitution it became a compact between them.

SEVENTH: Four States were not bound, and remained, each, sovereign, free and independent, and were, therefore, members of the family of sovereign Nations, as the nine were before they constituted the Union.

EIGHTH: The other four States, before 1790, became members of the Union.

NINTH: The government organized in 1787 on and in conformity to the Constitution was then called "The Federal Government."

TENTH: The federal government is only the instrumentality by and through which "the United States," as called in the Constitution, do and can act, and the words "United States" mean nothing more than the States united, and acting through the federal government.

ELEVENTH: All powers delegated to the federal government were derived from and delegated by the thirteen States.

TWELFTH: The words—"the powers hereby delegated to the United States," mean nothing more than delegation of the right to exercise those powers until three-fourths of the States shall withdraw their assent to their exercise by the Federal Government, as is proven by the withdrawal from the federal judiciary of the right to "have jurisdiction in a suit against a State by a citizen of another State, and by citizens or subjects of a foreign State."

THIRTEENTH: The resumption of that immunity from suit was the act of thirteen sovereigns and the exercise of sovereign power.

FOURTEENTH: That action was the assertion of a right that belongs to a sovereign only, that is, immunity from suit by any one—whether citizen, subject, or any other sovereign.

FIFTEENTH: The compact, or Constitution, in every feature of it proves that the States did not intend to part with even one of their respective sovereign powers, rights, privileges, or immunities. They provided in that instrument for their absolute creation, constant renewal, and control of the federal government—

a. by reserving the power to elect Representatives to Congress; and by limiting their tenure of office to two years;
b. by reserving the power to elect Senators to Congress; and by limiting their tenure of office to six years;
c. by reserving the power to elect the President of the United States; and limiting his term to four years;
d. by reserving the power to refuse to prosecute war against any foreign Power;
e. by reserving control over the militia of each State;
f. by reserving power to impeach through their Representatives the President and all other civil officers of the United States;
g. by holding in their own hands the right to change by a three-fourths' vote the compact—by adding to, taking from, or abolishing it altogether;
h. by refusing to give the President control of their citizens as militia, except by authority of the Governors of the States.

SIXTEENTH: State Sovereignty is asserted in the twelfth amendment by establishing the equality of States in choosing a President by the House of Representatives, in the event the States' electors fail to name one—each State having one vote; thus acknowledging the equality of Rhode Island—the least—with Virginia—the greatest.

SEVENTEENTH: State Sovereignty is again asserted in Article V by giving to the smallest State an equal voice with the largest State in voting to amend the Constitution.

EIGHTEENTH: Sovereignty being immutable, inalienable and indivisible, the States could not grant to any society, nation, or other sovereign, any part of their powers without self-destruction as sovereigns; a half sovereignty being impossible.

NINETEENTH: As sovereignty is impossible without a society, or aggregation of moral beings under it, and as there were no moral beings in the territory that included the States, except those within the boundaries of each State, it was impossible for the States to grant away any sovereign power.

TWENTIETH: The only human or moral beings who could possibly claim a grant by the States of any sovereign powers were the men who compose the tripartite federal government, but they were not in existence to receive a grant; and when elected they were citizens of the several States, to which they owed allegiance, and could not hold any rights adverse to their own sovereigns.

TWENTY-FIRST: A grant of sovereign power is in perpetuity and can not be recovered without assent of the sovereign who takes it. But the powers held by the federal government can be taken at the will of three-fourths of the States.

TWENTY-SECOND: The federal government is nothing more than a fiduciary trustee for the States. When it levies taxes they are expended for the benefit of the States. When Congress makes war it is to protect, or to benefit, the States. When the States acquire territory the government holds it in trust for the benefit of the States, and the States foot the bill. When it builds post-offices, court-houses, war-ships, forts, it controls them for the benefit of the States.

TWENTY-THIRD: Sovereignty and Allegiance are coeval, reciprocal and inseparable. As there can not be two co-existent sovereignties over the same citizens, or subjects, so these same citizens, or subjects, can not owe allegiance to two sovereigns at the same time. And as the States existed before they formed the Union, the citizens of each State owe allegiance to their State.

TWENTY-FOURTH: As there was no organized society called a nation, except each of the thirteen States, there could be no other allegiance by the citizens than to their respective States.

TWENTY-FIFTH: As no power can be exercised by any branch of the federal government but those expressly named, the power delegated to Congress to declare war is confined to war with a foreign power, and, therefore, it can not declare or wage war on a State, or States.

TWENTY-SIXTH: As "Treason against the United States consists **only** in levying war against **them,** or in adhering to **their** enemies, giving them aid and comfort," the belligerent action must be against all the States united, as defined by the pronouns "them" and "their." Therefore, in a war between twenty-six States arrayed against ten States, there could be no treason committed "against the United States," or all the States in the Union.

TWENTY-SEVENTH: If secession did not carry the Southern States out of the Union, then the federal government had no right or power to make war on them, and the war waged by the twenty-two States against them, ipso facto dissolved the Union, because, by the Law of Nations war terminates all contracts, agreements, compacts and treaties made by the nations at war.

TWENTY-EIGHTH: If the Southern States, by secession, were out of the Union, then the twenty-two States, being each a sovereign Power, could, by the law of might, combine and wage war against them, just as the powers of Europe combined against France in 1814. But, as already said, the right or justice of the war made on the Southern States is another and wholly different question.

TWENTY-NINTH: As citizenship can not be without allegiance, and as allegiance is due to sovereignty; and as there was no sovereignty within the boundary of the United States except that of each State, it follows, as the night the day, that every citizen of any one of the Confederate States who joined the Northern army and fought against them, was a **traitor.** The logic of this conclusion can not be evaded. Whether that man was a private in the ranks, or wore epaulettes and stars on his blue uniform, whether he commanded a regiment, a brigade, a corps, or an army, or was lord of the quarter-deck, or Rear Admiral, his status as a renegade and a traitor will be his portion as long as his name shall be remembered.

As already said in a preceding chapter, there were no traitors in the Northern army but those men who, owing allegiance by citizenship to some one of the Confederate States, turned their guns against their State that had, by the Law of Nations, the right to their support and defense.

If allegiance to the United States were possible, it would be impossible to the States disunited.

CHAPTER XXX.

THE AUTHOR'S POSITION TESTED AND SUSTAINED BY HYPOTHETICAL CASES.

We will now apply another test of sovereignty of the States. Suppose that between 1783 and 1788, through the Puritan's pernicious intermeddling, a war had occurred between Massachusetts and New York. Could the other States have interfered? If so, by what law or right? Could the Congress under the Confederation have mustered troops and have marched against the belligerents? Would not that have been war waged by the Congress on a State? There was no President, like Lincoln, to decide when and how he would make war. Senator Reverdy Johnson, of Maryland, in the debate quoted from heretofore, told the Republicans that their idea of the federal government having power to make war on a State is an absurdity. Even Lincoln denied that power and tried to save himself by insisting he was only trying to suppress an insurrection. This was under the Constitution. A fortiori, the Congress under the Confederation could not wage war against a State. Both instruments forbid a State "to engage in war unless actually invaded, or in such imminent danger as will not admit of delay." Says Vattel, "Public war is that which takes place between nations or sovereigns, and which is carried on in the name of the public power, and by its order." The inhibition on a State to engage in war was laid to prevent it from embroiling the other States in a war. Hence, the power to make war is delegated to the Congress only—that is, is delegated to the common agent or representative of all the States. Under the Confederation, even Congress could not declare war "unless nine States assent to the same."

Taking the strongest position that any Nationalist can ask, to-wit: that the Confederation was in full force over the States before the Constitution was adopted; the question is, could the Congress or any other power under the Confederation have

raised a finger to interfere between New York and Massachusetts engaged in war? Will any Nationalist have the effontery to say that the supposed war was "an insurrection?" Insurrection is resistance against the authority of a sovereign, whether a king, a republic, or other form of a nation. Could that war be in resistance of the laws of the Confederation? Can not the Nationalists see the application of the supposed war between Massachusetts and New York? Do they not see proof of sovereignty of the States during the Confederation? There is no man so blind and dangerous to society as he who can but will not see.

We will suppose, again, that just before the war of 1861, Kentucky, aroused to the pitch of offensive war against Ohio because her people were stealing Kentucky's slaves, had raised an army and had invaded Ohio and war had ensued. Could the federal government have interfered? If so, under what delegated power? The war would not have been an insurrection, or a rebellion. To define war between two nations as "domestic violence" would be ridiculously absurd. The President could not have attacked both, or either, under his authority "to enforce the laws." They would not have violated or resisted any law passed by Congress. The President's power is given in the following language: "He (the President) shall take care that the laws be faithfully executed." This is, obviously, confined to the Acts passed by Congress and to decisions of the federal judiciary. It has no reference to the Constitution. Every part of it is law—yes, "the Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties, are the Supreme law of the land." The Constitution is organic law. It is only the charter that gives authority to act. It is in no particular self-acting or self-executing. The President has only two powers he can exercise without some legislative aid or direction. They are the power to convene Congress and to adjourn it in case of disagreement. Even his power to fill vacancies during a recess of the Senate is dependent on co-operation of the Senate in making the appointments that become vacant. The President has no army or navy, no militia, without an Act of Congress. He has no power "to execute the laws of the Union, suppress insurrections, and repel invasions" without a

prior Act of Congress. He can not call forth the militia for any one of those three purposes until Congress shall "provide for calling them forth."

Judge Story, with his zeal to belittle the States and magnify the Nation he places over them, finds Executive powers in the oath the President must take. His imagination is so wild and his speech so despotic, we quote his words: "The duty imposed upon him, to take care that the laws shall be faithfully executed, follows out the strong injunction of his oath of office that he will preserve, protect and defend the Constitution." And after quoting the oath he moralizes (Par. 1558): "It is a suitable pledge of his fidelity and responsibility to his country; and creates upon his conscience a deep sense of duty, by an appeal at once in the presence of God and man to the most sacred and solemn sanctions which can operate upon the human mind."

The quotation about the oath is not given as pertinent to the question of war between two States. But as it comes on the question of Executive powers, and as Story linked the oath with one of the President's powers, it is given for the reader to reflect on Story's moralizing on "conscience," "duty," "the presence of God," who was et cetera, and, then, on the probable effect of that oath on a man, an infidel from his youth to his death; who went to church to mock the preacher and his teaching; who scoffed at the Bible that he kissed when he took that oath; who said Christ was a bastard ("illegitimate child"); who was, at times, insane; whose friends concealed deadly weapons from him to prevent suicide; who was always afflicted with the form of insanity called "melancholia;" who said in his inaugural "there can be no conflict without you yourselves being the aggressor;" who refused to convene Congress, and, in April, in violation of the Constitution and his oath, invaded Virginia with 75,000 armed men!

We return to the supposed war between Kentucky and Ohio. In reply it might be said that Section X of Article I of the Constitution that reads—"No State, without the consent of Congress, shall keep troops, or ships of war, in time of peace, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay," gives authority for federal control of the two States—Kentucky and Ohio. That clause is

an inhibition on the States—imposed by themselves, and confers no power on the federal government. Let us treat its applicability to the supposed war. Suppose that a State should keep troops in time of peace, how could the President enforce that law—which is only organic—against the State? Who shall decide that the State is keeping troops? The troops would be citizens of the State. The Constitution says: "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." Every State is supposed to have "a well regulated militia." And they keep and bear arms in time of peace. So that the second amendment to the Constitution practically supersedes the clause first quoted above.

But that clause forbids a State to "engage in war". That is, with a foreign Power. As it is clear that the first clause gives no power to the President to intervene with military force between Kentucky and Ohio, under what clause in the Constitution could he intervene? There is a large school of Imperialists in the Eastern States who, agreeing with John Fiske, compare the relation of the States to the National Government, to the relation of counties to a State. It is difficult to undersand through what kind of glasses they look. Should two counties engage in hostilities, the Governor, who is commander-in-chief of the State militia, could order out his troops and arrest the belligerents. The county lines would not be a lawful barrier in his march. The State establishes the counties as ancillary departments of the civil government. The State, through its legislature can abolish any county, create new counties, or abolish all counties. But what can the federal government do to the States, or to any State? It has no more authority over a State than it has over a star, or over any foreign Power, except to exercise certain powers that pertain to its own autonomy; as, for instance, the authority to alter in specified particulars the regulations made by the States for holding elections of Senators and Representatives. Even in the case of domestic violence within a State the federal government has no authority to interfere unless "on application of the legislature or of the executive of the State." And the federal government, even in this contingency, can not respond to the request of the Governor "unless the legislature of the State can not be convened."

The States when adopting the Constitution put that inhibition on each State—not to engage in war with a foreign Power—because they had delegated the exercise of the war-power to Congress. The framers of that instrument did not imagine that any two or more States would ever wage war **inter sese.** Hence, nothing was said on the subject. Nor did they say that the federal government could not make war on a State. But the reason for silence in the latter case is found in the very fact of their silence, because the federal government has only delegated powers expressly named, whereas the States had and have all powers of a sovereign, except those expressly delegated. It was not only wholly unnecessary but it would have been absurd to say the exercise of this or that power is not hereby delegated, after saying "the powers hereby not delegated are reserved to the States." **Expressio unius est exclusio alterius.**

It may be said that the sovereignty of the State as maintained above in the illustration of a war between Kentucky and Ohio, proves more than the writer is willing to admit. That is to say, if two States can wage war against each other, then it must follow that twenty-two States can make war on eleven States—as was the case in 1861-5. Yes—that is the inevitable, logical conclusion from the premises. The position herein assumed is that each of the States was as sovereign in 1783 as was Great Britain; that as sovereigns they made the compact called the Constitution in 1788; that they delegated the exercise of certain sovereign powers possessed by each to a common agent for the attainment of particular benefits named in general terms in the preamble to their agreement, and then in plain unmistakable words specified what their agent could and should do —and that it could not and should not do anything not expressly named. This position assumes also that the States remained, each and all, as completely sovereign after the Union was formed as they were when Great Britain signed the treaty in 1783. It must be borne in mind that the admission here made is confined to the question of sovereignty. The hypothetical war between Kentucky and Ohio rests on the assumption of sovereignty, as does also the concession that the twenty-two States had the power to make war on the eleven Southern States, just as they as sovereigns

had the power to make war on any sovereign. The justice of that war is an entirely different question, and it lies altogether outside of the abstract question of sovereignty of the State.

As the Northern free States waged war on the slave States during four years, they can not escape the conclusion here presented. If they were not sovereign, by what authority, or law, or right, did they begin and prosecute that war? They dodge the question and the logical conclusion by saying the federal government and not they, began and prosecuted the war. There are two answers to that evasion. The first is that the federal government has no power to make war on a State. This is so plain that no statesman has ever denied it, or has ever asserted that power. The second answer is, the allegation is false. When Lincoln decided to invade Virginia, did he move with the army of regulars then under his command? No! He appealed to the Governors of the Northern States to organize their State militia—to appoint all regimental officers—and to forward the regiments to Washington to be enlisted under his command. Lincoln had no authority to order out 75,000 men to invade the Confederate States! Whence did they come? From the twenty-six States. Who ordered them to take up arms against the ten Southern States? The Governors of the twenty-six States. Who were those 75,000 men? They were citizens of the twenty-six Northern States. Who armed and clothed and fed these 75,000 men? The federal government? That government had no title to anything. It was then and is now only a trustee for the States. It owned no money—no clothes—no arms. But as trustee for the benefit of the people of the United States it held money and with it bought clothing and arms and ammunition. Who supplied this money? It was levied of the people. Yes, but what people? The people of the Northern States, of course, because there were no other people in or of the Union. Had these people of the States no voice in the disposition of that money? After the money passed from their hands into the federal treasury did they lose control of it? Did the federal government acquire an indefeasible title to it—to do with it as the President might decide? If the federal government were sovereign then Congress might make a bonfire of it and no one could raise a voice to object.

We will take one State as an illustration. For what one State did, the other twenty-one Northern States did. When Lincoln called on Andrew, Governor of Massachusetts, for her quota of the 75,000, he had the right under the Constitution to refuse. Lincoln had no jurisdiction over him, nor over Massachusetts. The Governor of that State refused the like request of President Madison in 1812 to furnish troops. Was that Governor in rebellion against Madison, or the federal government? Could he have been arrested and tried as a rebel, or a traitor? Could he have been deposed and another Governor installed who would comply with Madison's request? If so, by whom? Where is the law for such a procedure? Could he have been impeached? If so, under what law? But Governor Andrew responded to Lincoln with swift delight. Who were the men Andrew ordered to organize for Lincoln to command in his invasion of the Southern States? Who were the men Andrew commissioned as Colonels, Majors, Captains and Lieutenants, and rushed to Lincoln? Were they some of the drops in that great indistinguishable sea of mortals in America whom Webster called "the people?" Were they not all citizens and inhabitants—and voters, if of age—in and of Massachusetts? Did they not go as such citizens? If not, why when enlisted were they designated as long as they served, as the First, Second, Third, Fiftieth, Ninetieth Massachusetts regiment? If those men sent by Governor Andrew were called up by him from the vasty deep of the sea of American people why were not the regiments after enlistment simply numbered as are the Regulars in the United States Army? They were not ordered into service by Lincoln. They were called for by Lincoln, and ordered out by authority of the State of Massachusetts, and, hence, they went as Massachusetts' troops in regiments bearing her name.

Is any more needed to prove that Massachusetts, as a State, waged war on the Southern States? Is it necessary to show that what Massachusetts did the other twenty-one Northern States did? The only difference between the supposed war made by Kentucky on Ohio, and the war the twenty-two States waged against the eleven Confederate States, is that the twenty-two used Lincoln to command the State troops and Congress to vote the money. This is just what the States ordained in and by the

Constitution should be the course pursued when war might occur between the United States and any foreign Power. And the power delegated to Congress to declare war was for the protection of the States and for no other purpose. The man who contends that Congress has the right to make war on a State, assumes that the framers of the Constitution, and all who voted to adopt it, were fit subjects for a lunatic asylum.

We will suppose another state of facts which may throw some light on State sovereignty from a different angle. We will take a war between the United States and the allied Powers of Europe caused by the Panama canal—a war not only possible but probable. The Nationalists would write of this as a war between "The Sovereign Federal Government and the allied Powers of Europe." If they did not, then they should make a funeral pyre of all the bombastic glorification they have deluged the world with about Southern Traitors, Rebels, Rebellion, Insurrection and Conspiracy, because they would thereby admit that the war of Abolition was between the free and the slave States. But would the Sovereign Federal Government be the belligerent fighting the Allied Powers? Should the States sit still, who would do the fighting? Where are the Sovereign Federal Government's militia? Every Sovereign has absolute authority over his subjects. He can make war at will and order his subjects to the field. Can the President do that? Can Congress? Should Congress enact that all men between certain ages should be enrolled, and the President should call on the Governors for the men, and the Governors should refuse—what then? Who could or would enforce that Act? Suppose the people in New England, who have alacrity for opposing war that interferes with trade, were to meet in convention and declare against the war, and resolve not to enlist, could the President invade the States and force their citizens to serve?

It may be said in reply that Congress has the exclusive power to declare war against any foreign power, and that it has power, also, "to make all laws which shall be necessary for carrying into execution that power." Very true; but those "necessary and proper laws" can only be "made" to prosecute war against a foreign Sovereign Power. This power "to declare war" being one that is inherent to sovereignty, therefore it is claimed by the Nationalists that the States have "**granted**" their sover-

eign power to Congress to be used at will as all sovereigns have the right to exercise it. Let us test this assumption. Suppose that Congress should declare war against Mexico, or Great Britain, and the people in the States having a bare majority of the Congress were opposed to war, could they not stop it? If they could, what becomes of the vaunted, boastful claim of the sovereignty of Congress? That they could arrest the war no one can deny who knows enough of the Constitutoin to understand who elect members of Congress. At the first election the people could send Congressmen instructed to put a stop to the war, not only by statute or resolution, but to refuse to vote a dollar for its further prosecution. They could even repeal, instanter, the law making appropriation to begin the war. This being undeniably true, where does the sovereign power pertaining to war abide? Is it not in the States? Does not this demonstrate that the war power is "delegated" and not "granted" to Congress?

But this is not all the States could do. Three-fourths of them could not only stop the war but they could amend the Constitution by depriving Congress of the power to declare war. They could go further and abolish the federal government, and each State would then resume—not its sovereignty—but the full and free exercise of the few sovereign powers it had, for its own benefit, entrusted to a common agent—the Congress. The power to enact a law carries with it the power to amend it. The power to amend necessarily implies the power to add to, or to take from, the law. Furthermore, the power to make a contract, or compact, or treaty, carries with it the power to change the terms of such agreement, and, also, to rescind it. Here comes up again Webster's refuge when he attempted to escape Calhoun's catapult of logic, to-wit: "We, the people, and not the separate people in and of the thirteen States, adopted the Constitution." As already said in a preceding chapter, the doctrines of State Rights and of State sovereignty are so cognate, it is almost impossible to present reasons for one that do not apply to the other. Webster's position on "We, the people," has been reviewed under "State Rights," but several other views will be given under the head of "State Sovereignty."

Suppose it were true that "We, the people"—i. e., the entire citizenry of the thirteen States, without regard to State lines or State allegiance, made the compact called the Constitution. Would it not follow logically and legally that the people who made the compact have the right and power to change it, to amend it, to rescind it? In that case, under the established rule that governs democracy, would not a bare majority of the qualified voters be sufficient to alter, or to abrogate their own agreement? But "We, the people," under their agreement, can not do either. They can not change the dot of an i, or the cross on the letter t. If "We, the people," made that agreement, is it not the strangest abnegation of power in the history of governments and of compacts and of contracts, that the makers of the agreement then said, in substance, "We are done with this business—although we made the agreement exclusively for our own advantage and benefit—and we tie our hands forever, whether come weal or woe to us, and turn the whole business over to unknown, unborn managers who alone shall decide what is best for us and our children." If the contention of Webster and his followers be correct, that is what "We, the people," did and said. For stupidity, assininity, self-immolation, infanticide of millions of their own offspring, insane confidence, can the annals of the world—outside of lunatic asylums—produce a parallel? Yes, "We, the people," after they had made this compact, turned their lives, their fortunes, their liberty, their happiness, their future and their children's over to the keeping of three-fourths of the States.

But that is not the worst. They said that three-fourths of the States can amend, alter, add to or take from this agreement. Why did they not say, three-fourths—or two-thirds, or a majority of the entire people? Why did they say "States." As they say the sovereign people made the contract, or compact, why did they select as their trustee a lot of corporations that have no higher rank, no more dignity and no more power among the Powers of the world than "counties or cities" have? Why select an assembly of imbeciles called States, who had just granted away irrevocably to an agent the power to protect themselves from being gored to death by John Bull or any other bull? They not only did not say a majority of the entire people should alone have the power to amend, but they said—marvelous to relate—

that a **minority of the people** could exercise that power. If "We, the people," made the Constitution, isn't it a still worse display of assininity by them to reverse the one great principle of democracy that the majority must rule, and to establish the rule by a minority of the people?—not only rule by a minority, but that minority of the people to have power to change the form of government. That they did this is as easily demonstrated as that two and two make four.

CHAPTER XXXI.

WHAT THE FEDERAL GOVERNMENT WAS AND IS.

Sovereignty can not abide in anything inanimate. It belongs exclusively to moral beings—to a man, or a society of men. The government of the United States is not a man, nor men. It is nothing more than the combined powers of the States in action through their delegates to perform certain duties prescribed in the Constitution. The government of the United States is no more than government by the States united—that is, acting conjointly. Every act done by any one of the three federal departments is the act of all the States operating together.

Let us test the truth of these propositions. To do this, we will take the first federal administration of Washington. He was a private citizen of the State of Virginia. Each of the thirteen States held a separate election. They chose electors. The electors of each State voted for Washington to be President. At the same time the same voters who elected the electors voted for members of the legislature of the separate States. The legislatures then and there elected, in turn elected two senators to represent each State. These Senators and Representatives passed an act to create a federal judiciary. Washington then nominated certain men to be Judges, and the Senators confirmed his appointees. The federal government then became operative. If any sovereignty was vested at that time it was not in the government, for the reason already stated that an inanimate thing—as a corporation—cannot take or hold a sovereign power, right, or immunity. The federal government was and is nothing more than a corporation created by the States.

But as there can not be a government of men except it be a government by men, or a man, the Nationalists are driven to the alternative that the alleged sovereignty abides in the men who operate the federal government. There are several sufficient answers to that contention. The sovereignty of a State is not

in the Constitution, nor is it in its three departments—the executive, legislative, and judiciary. The sovereignty is in the people of the State. They are sovereign without a Constitution or an organized government. It is for them to decide how they shall be governed. When the thirteen States elected Washington President, if they had parted with any part of their sovereign power by adopting the Constitution, it was vested in the man and not in his office. If Washington took any sovereign power where did it go when his term of office expired? If the Congressmen took any sovereign powers what became of them on the 4th of March when Congress died by limitation? Before that limitation took effect the people of every State had exercised their sovereign power to dismiss these servants and either to renew their commissions, or to give them to other servants. In whom did these powers vest until the first Monday of the following December? A congressman-elect is not a congressman. He must be vitalized by an oath and by taking his seat.

Again: It is an axiom in the Law of Nations that sovereignty is "inalienable, immutable and indivisible." Therefore, if Washington, and Congress and the Judiciary, by virtue of their offices became invested with sovereign powers, they took all the sovereignty the people had who invested them. If they did not take all, then all sovereignty remained in the States. But this Law of Nations is denied by Nationalists. They say the States retained certain sovereign powers and gave certain sovereign powers to the federal government. Indeed, as we have seen herein, one New England scholar tells us that the Constitution divided the sovereignty of the States and granted the lion's share to the federal government. This revelation is made by John Fiske. It is worthy of repetition at this moment: "The State, while it does not possess such attributes of sovereignty as were by our federal Constitution granted to the United States, does, nevertheless, possess many very important and essential characteristics of a sovereign body."

"**The Constitution granted attributes of sovereignty to the United States.**" In gentle consideration for New England's learning, let us strip this deformed metonymy of its swaddling and cover it from public view, and then dress it in plain but presentable style. This statesman certainly did not intend that his "figure of speech" should smother his bantling. Dropping

his rhetoric, we get his meaning to be this: "The State, while it does not possess such attributes of sovereignty as were by the separate peoples of the thirteen States granted to the United States". But where does this change leave him as a statesman? What are the United States, the alleged grantee, but the thirteen States united—the alleged grantor. And who or what are the United States but the people of thirteen States acting together? Who made the Constitution but thirteen separate peoples of thirteen separate States? Thus we are informed by this statesman that the people of thirteen States, by united action, granted to the thirteen States united, attributes of sovereignty. That is to say, the thirteen States, each holding attributes of sovereignty, granted those attributes to themselves! If the United States had been a nation of separate people, as, for instance, the United States of Columbia, and the thirteen States acting together had granted their attributes of sovereignty to the United States of Columbia, there would have been a grantee entirely distinct from the grantor, and capable of accepting the grant. But here is an alleged grant of sovereignty by the States to a corporate body of their own making—having no separate people under, or within it—of which the grantors are the corporators, the stockholders, the directors and the exclusive owners! Can there be a more glaring, complete, and nonsensical reductio ad absurdum?

If it were worth while to quote law to those people, who, like the heathen, are a law unto themselves, and make their own law to suit any purpose at the moment it is needed—as, for instance, their "Higher Law" when they decided to free their grandfathers' slaves—numerous quotations from the Law of Nations could be given to prove the absurdity of their conception of the federal government. However, several will be given here. It must be remembered that the fundamental belief of the Northern people is that the federal government is a Nation. They always speak of the "National Government"—"The United States Government"—"The National Union." Lincoln thundered it in his inaugural speeches.

First: "Nations, or States, are bodies politic, societies of men united together for the purpose of promoting their mutual safety and advantage by the joint efforts of their combined strength." (Vattel, page 4, Preliminaries.)

Second: "From the very design that induces a number of men to form a society which has its common interests and which is to act in concert, it is necessary that there should be established a **Public Authority** to direct what shall be done by each in relation to the end of the association. This public authority is the **Sovereignty,** and he or they who are invested with it are the Sovereign."

Third: "Every nation that governs itself, under what form soever without dependence on any foreign power, is a Sovereign State."

Now take with these elementary and indisputable principles of the Law of Nations one other, to-wit: that "sovereignty is immutable, inalienable and indivisible," and we are prepared to analyze still further the nature of the federal government.

First: "A nation is a society of men united together," etc. Is the federal government a society, that is, a nation of men united together? If so, then that society, by the third quotation from the Law of Nations, must be independent of any foreign power or sovereign State. In other words, the federal government must be a nation with equal sovereignty with any other nation, and, of course, independent of every other nation. It must have all the sovereign powers, privileges, rights and immunities held by any other nation. And these powers, rights, privileges and immunities must be immutable, inalienable and indivisible. We can now proceed with the analysis.

The federal government has no people under its authority who compose the society that constitutes a nation. The federal government consists of three departments—and these departments consist of officers only. One man (Washington) fills one department; twenty-six men (Senators) make one branch of the second department; a larger number (Representatives) form the other branch of the second department; and a smaller number (judges) constitute the third department. The Secretaries of State, War and Navy, Attorney General, etc., are but subordinates in the President's or Executive Department. Where are the people that compose this sovereign society, or State, or nation? Do the officers of a government make it a nation? Officers command—give orders—they do not obey. Less than a hundred men in this entire nation and every one an officer. A nation of officers. A nation composed exclusively of men to give orders. Every one of them

a constituent part of that nation's sovereignty. Where are the people who are to obey this triple-handed sovereign? Where are the people, subjects or citizens, who owe exclusive allegiance to this nation of officers? They are down below in the thirteen States, are they? We shall see.

Again: This nation of officers—all holding sovereignty—decides to make war on another, where are its soldiers? Every man in the country is a citizen of some of the thirteen States. Can the sovereign federal nation issue its sovereign command to the citizens of the States to enlist for the war? If it can not it is the only sovereign who could not or can not. No! Washington must submerge his part of the triple sovereignty of the federal nation and make a request of the thirteen Governors of the States to supply him with soldiers. And the Governor of Massachusetts has the right under the law of the land to refuse to comply with the request, and Washington can exercise his right to swear worse than "our army in Flanders"—as tradition gives him the ability to do, but he must choke down his sovereignty and take it out in swearing. In support of this proposition as law, the writer is fortunate in being able to cite no less authority than the sovereign State of Massachusetts, in the case of President Madison against Massachusetts, decided in 1812 by Massachusetts when she refused to furnish troops, at Madison's urgent solicitation, to repel the armies of Great Britain, and to defend Massachusetts.

In fact, the writer is indebted to that high and prolific authority for the greatest variety of law that has ever come from any hundred States, or Nations, living or dead. The legal profession, and also statesmen, are indebted to Massachusetts for the theocratic system of judicature whereby cases were decided by a verse, or paragraph from Genesis or Exodus, or Numbers, or Deuteronomy, or Joshua, or Job, or the Songs of Solomon; for a Judiciary called a High Court that had jurisdiction over all matters ecclesiastical, civil and criminal; for the expeditious and satisfactory judicial procedure of arrest, and then enacting a law making the conduct charged a crime, followed by trial, conviction and punishment—vulgarly known as ex post facto laws; for hanging neighbors for difference of opinion on abstruse theological non-essentials; for law justifying smuggling; for the law of civilized nations that permits the sale of prisoners of war

into perpetual slavery to raise revenue; for the law to sell into slavery in the West Indies white children to raise revenue because they could not pay fines imposed for failure to attend church on the Sabbath; for law punishing Quakers by dragging them at the cart-tail for refusing to take off the hat; for the convenient law of vesting discretion in magistrates to punish offenders, without limit to the punishment fixed by law; for allowing no appeal from the sentence of these discretionary officials; for hanging women and children charged with witchcraft unless they could prove their innocence—the State producing no evidence except in rebuttal; for denying citizenship unless the person should join the theocratic church; etc.

CHAPTER XXXII.

THE DIFFERENCE BETWEEN "DELEGATED" AND "GRANTED".

But the Nationalists insist that the States "**granted**" certain of their sovereign powers to the federal government. This is asserted in contradiction of what the alleged grantors say they did. They say they "**delegated**" to their common agent certain powers. This assertion by the Nationalists proves, as the history of the Puritans demonstrates, that there is no law they will obey. As already said, the highest evidence of the meaning of any agreement is the unanimous testimony of the parties to the agreement. Indeed, it is not simply evidence; it is proof irrefutable by any kind of evidence. But when they say "delegated," these republicides affirm that the parties did not know their own minds and that they made a "**grant.**" Thus, to get to their desired goal—a Nation in supreme dominion over the States—they disregard and override the plainest rules of construction recognized by all civilized peoples.

Again: They assert that the States intended to make a Nation that should be "perpetual." As the Constitution is silent on that subject, these Nationalists go back to the Confederation where they find the word "perpetual," and they graft it on the Constitution. They find at the same spot the words "sovereign State", but they refuse to recognize those words. If "perpetual" can be interpolated, why can not the "sovereign?" There is no reason except the Puritan's pertinacity and determination to rule or ruin. But in this instance he is balked. Neither word can be written into that instrument. Neither can be used to explain it. It needs no interpreter. And the assumption of these grafters has no parallel except in the "graft" so prevalent among them that the nations of Europe have been holding their noses since the explosion of the Credit Mobilier in 1870. There is no canon of the law more imperious and inflexible than the one that forbids the effort to graft a word on a writing that is so plain in meaning

that the wayfaring man, though a fool, can understand it. There is not a court in Christendom that will permit any lawyer, whether he be a Solon or a shyster, to use any word directly or indirectly to explain a writing that explains itself, on the plea that the makers intended to say more or less than what they wrote.

But the boldest attempt to deflower the English language and thereby to convert a friendly agreement between republics into a consolidated, unified nation and despotism, has been done by defiant insistence that the word "delegated" means "granted." Though these two words are not as antipodal as black and white, nevertheless, they are as variant in meaning as are tenancy at will and a conveyance in fee simple of the land to its occupant. The difference is as great as between the peace and happiness that reigned throughout the States when the Constitution was agreed to, and the bloody ruin, the devastation, anguish, agony, demoniac fanaticism and death that reigned seventy-two years thereafter. "Delegated" was the angel of peace—"granted" was the key that opened wide the gates of Hell.

Lincoln, so ignorant of the A. B. C. of commercial law as to declare in his inaugural that "a copartnership can not be dissolved without the consent of all the partners," consumed by ambition—"the most powerful of excitements"—to be known in history as "The Great Emancipator," exposed greater ignorance by announcing, almost in the same breath, that the Union must be perpetual because that word is found in the Articles of Confederation. He, too, caught the cry that the Constitution needed explaining, and, as it said nothing of perpetuity, the framers of it meant perpetuity because the colonists in forming what they expressly called "a league of friendship" used the word "perpetual." He, too, refused to see in the same league of friendship the words "delegated" and "each sovereign State." Why were they not as probative as the word "perpetual?" They were and are, but they, like the flaming sword of the Cherubim, stood in the path between his mad ambition and the Constitution, which to that hour had been the tree of life to millions, but, from that hour, has borne nothing but apples of Sodom.

CHAPTER XXXIII.

ABOUT THE WORD "PERPETUAL"—A MEDLEY OF LAW AND FACT.

The Nationalists contend that the Union was formed to be not only one and indivisible, and to have powers superior to those of the States, but also that it is to be perpetual. Webster so taught, and Lincoln so declared in his Inaugural address, 1861. He said: "I hold that, in contemplation of Universal Law, and of the Constitution, the Union of the States is perpetual." Webster in the debate with Hayne, said: "The Constitution, Sir, regards itself as perpetual and immortal." "Perpetuity," said Lincoln, "implied, if not expressed, is the fundamental law of all **National** Governments. Continue to execute all the provisions of our National Constitution, and the Union will endure forever, it being impossible to destroy it except by some action not provided for in the instrument itself."

Before quoting further I beg to call attention to the medley of law and fact in the above language. First, as to facts. In the first two sentences Lincoln assumes that the Union of the States is a National Government. This reduced to the simplest terms means that the United States, by the Consitution, are a Nation. In the first sentence he assumes that the Union of the States, by the law of the Constitution, is to be perpetual. In the next sentence that "perpetuity is the fundamental law of all National Governments." What he affirms of the "Union of the States" he also affirms as the law of National Governments. He thus affirms that the Union is a Nation. A nation, according to all writers on the "Law of Nations", consists of a number of men associated together in one body, which is clothed with all the powers, rights, privileges, exemptions, et cetera, that belong to a man in a state or condition of nature, and each and every one of those attributes is **immutable, indivisible and inalienable;** when in that condition the man is a sovereign; when he and other men agree to associate to-

gether, and one of their number is chosen to rule over them, each surrenders his natural sovereignty and vests his attributes in the ruler as a king, a monarch, or emperor; and their ruler cannot surrender any one of his attributes of sovereignty without the consent of his subjects. These authorities on the Law of Nations affirm further that such a society of men is a Nation, and that men (human beings) are necessary to the formation, operation and perpetuity of a nation.

Lincoln is trying to prove that the government of which he had just been elected by a few of the States as the head or President, is perpetual, that is to say, is indestructible "except by some internal action not provided for in the Constitution." To establish that proposition he begins by assuming as a fact already proved and admitted, the main fact involved in the controversy between the North and the South, and which was never asserted or assumed by any one as true until Webster so asserted in 1830. That fact, as Lincoln words it, is that the Union of the States is a National Government, which expression reduced to its simplest form is—"the government established by the Union of the States is a Nation." Up to that date (1830) the makers of the Constitution and their descendants were of the opinion that the States had formed a Republic. The significant fact must be noted just here that Webster and Lincoln differ, ex profundo ad coelum, on the origin of the Constitution, and, of course, of the Union. Webster's life preserver, as he imagined, "We, the people," framed and adopted the Constitution. Lincoln, not speaking as paid counsel, says the States formed the Union. He does not use the word "formed." He avoids circumlocution—to-wit: as there were no people but those in the States, and as the people in the States, each State acting separately, adopted the Constitution, therefore, the States adopted it and this formed the Union. Lincoln's mind was not so vast—so oceanic—with deep, dark caverns where dwelt the Sophist, the Flatterer, the metaphysical Seducer, who, at the psychological moment, crawled out from their slimy dens to teach their Great Neptune there was no immorality—no injustice—no treason in selling official judgment, provided you know you are too strong to be swayed from an even balance by weight of the gold. Lincoln, therefore, just as he drove his axe into the rails—went straight to

the mark and said "Union of", that is, Union made by "the States." And as the Constitution alone made the Union—as there could be no Union without it—the States made the Constitution.

Resuming the discussion, we return to Lincoln's opinion of "the Nation"—our Nation—with the caution that we must not forget that the time when all the discussion in and out of Congress occurred must be confined to the years during which the States adopted the twelve amendments. I say this, here and now, because Webster based a part of his speech in reply to Calhoun on what in legal phrase is called the argumentum ab inconvenienti—the inconvenience that would result from a decision in favor of this or that side of a case, or question.

In a case before a Court between two copartners under a written agreement, when one has rescinded and the other is claiming damages caused by the withdrawal, and the right to withdraw turns on the terms of the agreement, as well might the plaintiff attempt to set up the plea that the seceding parner had no right to withdraw because there were debts left unpaid at the time of the secession. As the Common Law would compel the seceding partner to pay his share of the debts, so, in the case of a seceding State the Law of Nations binds it to meet its proportion of obligations incurred jointly by the States. And should the seceding State refuse to come to an adjustment, then, and then only, according to the highest code of laws known on earth—"The Law of Nations"—could the other State resort to armed force to compel the seceded State to do "justice." This is the law that the States remaining in the Union were bound by justice, right, and humanity to obey. Those matters have no bearing on the question of State Rights, State Sovereignty, and the powers of the federal government. They are questions to be settled by and between the States after they might be separated—and for which the Confederate States sent Commissioners to Washington.

We return to Mr. Lincoln's Inaugural: He declared that the Union of the States created a Nation. I will set over against his partisan opinion the decision of a hundred or more sovereigns who governed the civilized nations for a thousand years, and whose judgment and wisdom have been recorded by such scholars and jurists as Grotius, Puffendorf, Baron de Wolf,

Hobbes, Vattel, Barbeyrac, Wicquefoot, Selden, Valeri, Clerac, Pothier, Burlamaqui (quoted by Calhoun and Webster made no reply), Emerigan, Roccus, Santerna, Maline, Malloy, and many others, passim. I quote the Law of Nations from Vattel: "Several sovereign and independent States may unite themselves together by a perpetual confederacy, without ceasing to be, each individually, a perfect State. They will together constitute a federal republic; their joint deliberations will not impair the sovereignty of each member, though they may, in certain respects, put some restraint on the exercise of it in virtue of voluntary engagements. A person does not cease to be free and independent, when he is obliged to fulfill engagements which he has voluntarily contracted." Omitting the word "perpetual" we have in this extract the precise confederacy the thirteen "Sovereign and Independent States" united and established in 1787. They arranged for joint deliberations every year by sending representatives to legislate for their "safety and advantage" in a body they called the Congress. They appointed one man (the President) to execute the laws their deliberative body might enact, and appointed Judges to construe those laws and specified the subjects and persons over which and whom their Judges could take jurisdiction. They set specified limits to the matters over which each of their three agencies were to have control—these and nothing more. There was no oversight made by the creator—the only fault, from the first, has been in their agents, by usurping powers not embraced in their written commissions. Since 1830 they have stretched that sacred instrument and usurped forbidden powers until, in 1860, they announced that they were the reigning sovereign—a Nation, a World Power—and the original sovereigns were mere dependencies—vassals to obey them, or be whipped like wayward children.

The word "perpetual" requires a passing notice only because the Nationalists—Mr. Webster in the lead and Lincoln proclaiming Webster's heresy—insist that the confederacy was intended by the States to be perpetual. They violate every rule followed by learned Judges in construing contracts made by individuals, up to wills, deeds, conventions, constitutions, and treaties made by sovereigns, by writing into the Constitution, that contains no ambiguity, words intentionally omitted;

by taking its preamble to construe "the States" to mean "the people", and the words "general welfare" to mean unlimited power; and these Nationalists will, no doubt, contend that while sovereign States can form a perpetual confederacy, they cannot form one and limit its duration. Another quotation from Lincoln's Inaugural, 1861, will reveal the length to which Nationalists go to patch and pad the Constitution. He says: "Again, if the United States be not a government proper" (Webster's phrase), "but an association of States in the nature of a contract merely, can it, as a contract, be peaceably unmade by less than all the parties who made it? One party to a contract may violate it—break it—so to speak, but does it not require all to lawfully rescind it?"

Here are two propositions announced in the Socratic form of interrogation to show they are undeniable, that can not stand a moment before the law. No—the "United States are not a Government proper." They established a government to be operated by such of their citizens as, in each State, are the "moral persons" (Vattel) constituting the sovereignty of the State. The government thus established and operated may be a "Government proper," or a Government very improper(as the South has learned through great tribulation), but the sovereign government was in each State and in operation before the States established another government to do certain acts which, without it, each of the thirteen States would have to perform.

The second proposition as to contracts is entirely outside of the question Lincoln was trying to clear up. He takes a commercial contract—one made by individuals—as on all fours with a contract, or compact, made by sovereigns. The first is to be governed as construed by the common law, or statute law, or civil law, of force within a State or other sovereignty. Whether one partner (an individual) can lawfully break it, or rescind it, depends on the terms of the contract and the law of the State. When men "in a state of nature, free and independent," come together to form a society (call it a State, Nation, or what not) Vattel states the law to be that "each member resigns a part of his rights in a state of nature to the body of the society, and that there exists in it an authority of commanding all the members, of giving them laws, and of

compelling those who shall refuse to obey! **Nothing of the kind can be conceived or supposed to subsist between nations.''** To illustrate: If while Lincoln was living in Kentucky, there had been no government—no civil laws of force—he would have been in a state of nature. Had a neighbor engaged him to split a hundred rails and he had done the work, and the neighbor refused to pay, Lincoln could have mauled him to his heart's content, and no power on earth could have punished him. But, if Kentucky had been under the government of men who had ''resigned a part of their natural rights'', and had laws regulating the conduct of each man or member, Lincoln could have been punished for assault and battery.

His illustration may be good or bad according as the law regulating private contracts might be. But he was beyond his depth in trying to apply the law to a contract, or compact, made by sovereigns. The Law of Nations alone can be invoked, and by that law a sovereign is not forbidden to break or rescind a contract, or compact. But he is bound by an obligation imposed by the Law of Nations to do justice—to make his co-compacter compensation for any damage the secession from the compact may cause. And should he fail so to do, the injured sovereign or sovereigns may resort to retaliation or even to war.

The seceded States offered through Commissioners to comply fully and fairly with that obligation.

CHAPTER XXXIV.

SOME COMMENTS ON A LETTER OF CHIEF JUSTICE MARSHALL.

The analysis of the Constitution and the rights of each State would not be complete without a study of the opinion of John Marshall, Chief Justice, as expressed in a letter to his cousin, as follows:

Richmond, May 7th, 1833.

"My Dear Sir:

"I am much indebted to you for your pamphlet on Federal Relations, which I have read with much satisfaction. No subject, as it seems to me, is more misunderstood or more perverted. You have brought into view numerous important historical facts which, in my judgment, remove the foundation on which the Nullifiers and Seceders have erected that superstructure which overshadows our Union. You have, I think, shown satisfactorily that we never have been **perfectly distinct, independent societies, sovereign in the sense in which the Nullifiers use the term. When colonies,** we certainly were not. We were parts of the British empire, and although not directly connected with each other so far as respected government, we were connected in many respects, and were united to the same stock. The steps we took to effect separation were, as you have fully shown, not only revolutionary in their nature, but they were taken conjointly. Then, as now, we acted in many respects as one people. The representatives of each colony acted for all. Their resolutions proceeded from a common source, and operated on the whole mass. The army was a continental army commanded by a continental general, and supported from a continental treasury. The Declaration of Independence was made by a common government, and was made for all the States.

"Everything has been mixed. Treaties made by Congress have been considered as binding all the States. Some powers have been exercised by Congress, some by the States separately.

The lines were not strictly drawn. The inability of Congress to carry its legitimate powers into execution has gradually annulled those powers practically, but they always existed in theory. Independence was declared 'in the name and by the authority of the good people of these colonies.' In fact we have always been united in some respects, separate in others. We have acted as one people for some purposes, as distinct societies for others. I think you have shown this clearly, and in so doing have demonstrated the fallacy of the principle on which either nullification, or the right of peaceful, constitutional secession is asserted.

"The time is arrived when these truths must be more generally spoken, or our Union is at an end. The idea of complete sovereignty of the State converts our government into a league, and, if carried into practice, dissolves the Union.

"I am, dear sir,

"Yours affectionately,

"J. MARSHALL.

"Humphrey Marshall, Esq.,
Frankfort, Ky."

It is not without full knowledge of the weight of authority that even the mention of his name bears on the judicial mind in America, even now—seventy-seven years after the ermine fell from his venerable form and he lay down to pleasant dreams—that I consider the utterances of John Marshall. And it is with the greatest circumspection and with diffidence that even Judges should call into question his decisions on subjects in which political bearings did not have a tendency to bias his judgment. It is well known that he, early in life, adopted the view of the Constitution and the rights of the States so strenuously advocated by the Party called Federalists, headed by Alexander Hamilton. And it is, also, well known that whenever questions arose growing out of or involving, collaterally, those causes of political and judicial division, his bent was always with the Federalists. His moral integrity was beyond reproach, or even an evil thought, and his mental leaning never varied, and he died, as he had lived, a Federalist. As this letter contains, in condensed form, his opinion against the rights of the States, that is, against the sovereignty of each State, I shall not look beyond it for other expressions by him

on that subject. It was written but two years before his death, and after his body had been tormented for years by an incurable disease. As we shall see, the letter has not the perspicuity that illumines his judicial decisions, but, although his frame had long been racked by pain, we are not to conclude that there is any evidence of senility in this opinion. It will save time and words to bear in mind that the whole question between the North and the South, from Washington's first administration to this date, turns on the sovereignty of each State, when Great Britain acknowledged that each State, by name, was sovereign, free and independent. It is on that immovable base that I have built the foregoing argument, and it is on that assumption that I venture to question the correction of the opinion given in this letter.

As already said in another chapter, in my opinion, on the assumption that each State was a sovereign before 1787, the right solution of the question can be found nowhere except in the Laws of Nations—laws adopted by sovereigns for their guidance and conduct, inter sese—and laws before which all other enactments must give way, because the highest human organization is a Nation. The first three sentences in the first paragraph of the letter require no comment, because they show only his dissent from the contention of "Nullifiers and Seceders." The fourth sentence contains the opinion I shall consider. That sentence is as follows: "You have, I think, shown satisfactorily that we never have been perfectly distinct, independent societies, sovereigns in the sense in which the Nullifiers use the terms." By "term" he means "sovereign societies." He then proceeds to state the reasons for that opinion, and I will consider briefly each sentence or reason.

"When Colonies, we certainly were not." No one ever imagined the colonies were sovereigns.

"We were parts of the British empire, and although not directly connected with each other so far as respected government, we were connected in many respects and were united to the same stock." Each colony had its separate government, just as each of our Territories after organization has its own government, but they were not connected, directly nor indirectly. One was carried on subject to regulation or repeal by Parliament; the other subject to control, approval, or

repeal by Congress. The colonies were in no sense connected and united, until 1774 by the "Articles of Association," when they agreed to make common cause against the same stock—Great Britain—and in 1777 by the Confederation formed to supplant the Association of 1774. But in neither case did any colony to any degree change or surrender in any particular its powers, its rights, or internal social, or political economy. On the contrary, in "The Articles of Confederation" entered into as "a league of friendship" to make a better defense against Great Britain, the colonies expressly guarded against any conclusion or suggestion of any amalgamation, or more than a combination for defensive war, in Article II, in these words: "Each State (all still colonies) "retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled." Before the Articles of Association, which were a war measure only, the Colonies had no more political connection with each other than any one of them had with Canada. The only connection they had with each other, except geographical, was their allegiance to the same empire. And although in the Confederation they agreed it should be "perpetual," that was but one item of the many agreed to in the thirteen Articles, and has no bearing on the question of separate existence, freedom and independence of the Colonies. They knew best what their relations to each other were, and as they expressed that knowledge by saying each retained its sovereignty, freedom, and independence, it is impertinence, say the publicists, to assert they did not mean or understand what they said.

The seventh sentence is strictly true, but it proves nothing.

Eighth sentence: "Then as now we acted in many respects as one people." Except in the Association of 1774, and the Confederation, and the Declaration of Independence, there is no historic evidence that the Colonies, in a single instance, acted as one people. I have already shown that in the first and second they united their soldiers from necessity to prevent conquest and hanging, and that in the second they declared each State to be sovereign, free and independent, and in the third instance (the Declaration) they declared each Colony to be a "free and independent State."

Ninth sentence: "Their resolutions proceeded from a common source and acted on the whole mass."

What resolutions the Chief Justice does not explain. If history records any resolutions that did not relate to the impending hostilities, or the actual war for independence, it has not been the good fortune of the writer to see or read them. The resolutions just before and during the war were on the same line as the much more solemn declarations in and by the "Association" and the "Confederation" and the "Declaration"—all were to aid in the common cause against a common foe.

The tenth and eleventh sentences contain statements perfectly true, but all the facts occurred or existed during the war waged by the colonies conjointly. The last clause of the last or eleventh sentence—"and was made for all the States"—seems to have been lapsus pennae or linguae—a slip of the pen, or tongue. It carried the Chief Justice further than he intended to go. "And was made for all the States,"—not for one consolidated State or Nation, made up of all the people in the colonies, as Webster tried to prove by the preamble—but for all the States. If for more than one State, the word "all" must include two States, and when we get two States, we can't stop until we include thirteen States.

In the next paragraph the Chief Justice passes from colonial years to the period from 1787 to 1833, when he was writing. Unless we look through the medium always before the eyes of this Federalist, his meaning is not as clear as his decision on non-partisan questions. He says: "Everything has been mixed." Treaties made by Congress, that is, by the President and the Senate were intended by all the States that made the Constitution to bind "all the States." The States expressly delegated the exercise of some of their powers to Congress and reserved all other powers to be exercised by themselves. He says: "The lines were not strictly drawn." They seem to have been as strictly drawn as human learning and caution could draw them. That sentence is not clear. He says: "The inability of Congress to carry its legitimate powers into execution has gradually annulled those powers practically." Here is Federalism rampant. The vast majority of

the people complain of the ability of Congress to exercise powers not delegated to it, to the extent of practically "annulling" the powers of all the States expressly reserved.

The Chief Justice then drifts back to the Colonies, and quotes from the last paragraph of the Declaration of Independence—"in the name and by the authority of the good people of these Colonies," but he omits what they declared, to-wit; that "the colonies are and of right ought to be free and independent States." He omitted, also, the fact that the good people of the colonies, through their Representatives in Congress, made that Declaration, and that they wrote first the name of each State and signed their names beneath, viz: "New Hampshire"—"Representatives, Josiah Bartlett, William Whipple, Matthew Thornton," and so on down to Georgia, the last: "Georgia;" and, beneath, her Representatives—Button Gwinnett, Lyman Hall, George Walton—signed their names.

These Representatives then resolved that their "Declaration be proclaimed in each of all the States."

I have reviewed the reasons assigned by the Chief Justice for the opinion expressed in the third sentence of paragraph one and repeated in the last sentence of paragraph two, and in the third or last paragraph. This opinion will be considered in the chapters on Sovereignty and Allegiance.

CHAPTER XXXV.

SOVEREIGNTY AND ALLEGIANCE.

It is now opportune to discuss the all-important question—who were the Rebels, the Disunionists, the Traitors in that fratricidal war that has no parallel. Senator Reverdy Johnson briefly stated the issue that history will decide. He said, in the United States Senate: "If secession was valid in any State, then the North was the aggressor, and the suppression was a great crime. Admit the validity of an ordinance of Secession, and it follows that the Unionists were traitors to their obligations to the Constitution."

The reader will please note his words—"the Unionists were traitors **to their obligations to the Constitution**"—as much that follows is in reply to the fallacy of that hypothesis. It is not my purpose to discuss now the right to secede, as that has already been fully considered. However, that question comes in collaterally, as it is, to some extent, involved in the discussion of sovereignty and allegiance. It is the last (allegiance) that involves the idea, or political creed, expressed in the words of Reverdy Johnson which the reader has been requested to bear in mind. Johnson's view of allegiance is expressed in four forms by the Nationalists or Imperialists—to-wit; allegiance to the Constitution, allegiance to the Union, allegiance to the Federal Government, and allegiance to the United States —each and all being used as equivalents.

Webster's dictionary (1904) under the word "Allegiance" reads—1st: "The tie or obligation of a citizen, or subject, to his government or ruler; the duty of fidelity to a king, government, or state. 2nd: The paramount allegiance of a citizen of the United States has been decided to be due to the general government before that (allegiance) due to his own State." In all prior editions of Webster's Unabridged, the latter or second definition is not given. We are not told who so "decided," nor where the decision is recorded. The American Cyclopedic Dictionary gives allegiance as "the tie or obligation a subject owes to a sovereign, or a citizen to the government, or State."

The second definition in Webster's dictionary is clearly the New England interpolation since the War Between the States. It is a definition given by soldiers, and cannon and bayonets used by foreign hirelings and negro troops. It was not the definition of New England's scholars, statesmen and patriots in the year 1812 when she refused to obey "the general government" that called on her to send her soldiers to help in defense of the country, including herself. It will be seen that her late definition of allegiance is not so accurate as her first in 1812, however disgraceful and contemptible her action was in refusing to aid in the common defense.

To treat fairly and fully the question presented so clean-cut by Reverdy Johnson, it is necessary to revert to the five years between the close of the Revolution in 1783 and the adoption of the Constitution in 1788. For it must be borne in mind that the clearest view of the rights and powers of each of the thirteen States can be taken within three short periods—to-wit, first, from 1783 when the independence and sovereignty of the States was acknowledged by Great Britain, to June 21st, 1788, when New Hampshire, the ninth State, agreed to the Constitution, and it became binding on the nine States; second, the period that elapsed before the four remaining States—North Carolina, Virginia, New York and Rhode Island—accepted the Constitution; and, third, the time when the last of the twelve amendments were added to the Constitution in 1804, twenty-one years in all.

The reason for limiting the view to these twenty-one years is that after 1804 no change was made in the Constitution that could possibly affect the rights and sovereignty of each of the thirteen States as they existed then; nor the rights, independence and sovereignty of each of those nine States as they stood from 1783 to 1788, nor of the status of the four States until they followed the nine and adopted the Constitution. How far, if at all, the rights, independence and sovereignty of each State were modified, abridged or surrendered by adopting the Constitution, is the problem before us. As they were declared by Great Britain "free, independent and sovereign" in 1783, the proof of the affirmation that they lost some attributes of a sovereign by agreeing to the Constitution devolves on the Imperialists who so affirm.

To simplify to some extent the propositions to be now discussed, let us take one State. Of the thirteen we select Massachusetts. And this not only because we are assured by her historians, statesmen, philosophers and poets, that it is from her that all our blessings flow but also because it would be an act of philanthropy, however much (as we know) it would be against her desire and greed, to raise her from the servile, humiliating and degraded position to which her statesmen and sons of whom she is so proud, betrayed and sank her by throwing off their allegiance to her and transferring it to another government—another "sovereign"—and thereby lowered her rank from her regality among the sovereigns of the world, to a petty, contemptible fragment called by her orators "a satellite revolving around the great Central Sun" that was manufactured by thirteen satellites and set up in an imperial domain ten miles square. By her own confession, Massachusetts has sunk a thousand leagues below that mongrel whelp named "The Black Republic of Hayti," and, by the classification of States made by John Fiske, her specialist in grading the rank of towns, cities, states and nations, she is just an inch or two higher than was Duluth before it was discovered and introduced to the public by the Hon. Proctor Knott of Kentucky.

There is this to be said, however, in apology for the submission of Massachusetts to her master—she has always been the favorite in the harem, and gets the best. She is invited to the first table, while her sisters must be content with what she leaves only because she is glutted. She and her five neighboring sisters have always occupied seats at the right hand of their lord at the feast so lavish and luxurious, spread by their sovereign's munificence, and have been given the royal prerogative to dictate to all the other inmates—now forty-seven—what and how much they may eat, wherewith they shall be clothed, what amount of pin-money they may spend, and, in doling out these supplies to keep body and soul together, they can, in addition to getting enough to gratify the greed of any avarice, except their own, take a rake-off from the other forty-seven of any per cent. their sovereign sultan's head steward may name. And all the five have to do to get the rake-off is to make an humble bow and curtsey—then in a few meek plaintive tones repeat Falstaff's sorrowful query: "Do I not

bate—do I not dwindle? Canst thou not see we are of an eagle's talon in the waist, and we can creep into any alderman's thumb-ring? Will you who have so much pleasure in us, have us grope and stumble like Pharaoh's lean kine? Will you starve your beloved?" Whether the head steward be named McKinley, or Dingley, or Aldrich, or Payne, or Taft, the affected plaint of the six favorites of the sovereign-sultan never fails—the "rake-off" is freely, blindly, exceedingly handed out, but not without the gratitude expectant of future favors in return to the sovereign's chief butler and his corps of workers, to keep them at the job.

However, the question of deepest and perilous moment is not what Massachusetts is content to be, but what she was and is. Was she a sovereign full-fledged and equipped from 1783 when Great Britain so declared, to the day she adopted the Constitution? To assume that she was would be ignoring the opinion of America's greatest Jurist—John Marshall, who is followed by Joseph Story and Judge Cooley and other commentators on the Constitution. Judge Marshall's language in the previously quoted letter to his kinsman is: "You have, I think, shown satisfactorily that we (the States) never have been perfectly distinct, independent societies, sovereign in the sense in which the Nullifiers use the term." It may be more satisfactory to the reader to turn back and read the entire letter, although the above quotation is the letter condensed. This opinion assumes that because the thirteen colonies, each admittedly separate and distinct, working under separate charters, acted conjointly in resisting the aggressions by Great Britain;—first, under the Articles of Association; second, in framing the Declaration of Independence; and third, under the Articles of Confederation; therefore they were not distinct, independent societies and sovereign when in 1783 Great Britain, in Article I of the treaty, wrote these words: "His Britannic Majesty acknowledges the said United States—namely—New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free, sovereign and independent States." Can language be more explicit?

Before 1774 the colonies were as separate and distinct as any nations could be. The persecutions by their mother country drove them together to make common defense. Their joint action was during their colonial period. But when they developed into thirteen nations, or sovereigns, what possible relation did they sustain to each other that could impair or abridge the perfect sovereignty of each? It is true the Confederation of 1778, formed by the colonies, was not formally abrogated in 1783, when they became States, but it did not by any provision forbid or prevent the parties to the Confederation to become sovereign States. If this be not true, there was but one other result, and that was the acknowledgment of the freedom, sovereignty and independence of the undistinguishable mass of three million Americans as one people under the name of "The United States." Has any one ever advanced that idea? Who would admit it if advanced? That theory, if true, would make hotch-potch of our entire people, and obliterate all State lines and boundaries. It would make but one people, one government, and that government a sovereignty. It would make fools of all the statesmen in America from 1783 to this hour. But, discarding this absurdity, there is left but the one conclusion—that each State in 1783 became a member, free and untrammelled, of the world's family of sovereign nations.

But there is another answer to Judge Marshall's theory of the States' limited or imperfect sovereignty. This view takes in the second division of time made above, to-wit, the short period between the adoption of the Constitution by the ninth State, New Hampshire, and the entrance into the Union of the four remaining States. Judge Marshall's language is "We (the States) have never been perfectly distinct, independent societies, sovereign in the sense in which the Nullifiers use the term." The word "societies" is used by him in the sense of "nations"—as all writers on the Law of Nations use it. Vattel, in defining a nation, uses the singular number, "society." So does Judge Cooley.

The answer to Judge Marshall is found in the status of the four States not in the Union. What were they during the interval between June 21st, 1788, when the Union took effect, and the day each one entered the Union? They were not in

the Union. The Confederation of thirteen States was no more. It had been thrown to the winds. It was nothing but a memory, and a sad one at that. The four States not in the Union were not the old Confederation. Nine of the Confederation had shuffled it off, and had formed another entirely different. These four had no political connection with Great Britain, their mother. They had none with the nine States who were in a new combination called a Union. What, then, were they? Each was a "society." Each had an Executive, a Legislature and a Judiciary, and the citizens of each owed no allegiance to any power, nation or sovereign on earth, excepting one, and that was their own State. Can it be questioned, in the light of the Law of Nations, that each of the four States—Rhode Island, New York, Virginia and North Carolina—was a "perfectly distinct, independent and free sovereign?" Can this question be seriously debated? This being true as to the four States before they entered the Union, does it not necessarily follow that each of the other nine States was a "perfectly distinct, independent and free sovereignty" before they formed the Union? Suppose that those four States which doubted and debated—hesitated and feared to enter the lion's den, had decided wisely (in view of the war made by States on States) to keep away from the entrance where all tracks are inward and none coming out, what would they have been among the nations of the earth? Each would have been as perfect a nation, or sovereignty, as their mother was who had just acknowledged their majority and started them in life to make their living with all the responsibilities, rights, duties, immunities and dignity with which the mother was clothed.

The next question in order is—What change took place when each State entered the Union? As each was indisputably sovereign before entering, did she strip herself of the richest endowment a people can possess and enjoy in this life and donate it to another? Did Massachusetts step down from her regal throne, and in token of abdication of her royalty, her dignity and equality among sovereigns, lay her crown at the feet of an irresponsible and dependent creature she had helped to make? Did she do this with full knowledge that, if her neighboring sisters, impelled by fanaticism or avarice, or instigated by the Devil, should steal her property, incite her

laborers to insurrection, to strikes, and killing her sons, she would have no power to protect herself by force of arms; and that the creature in whose favor she had abdicated the right and duty of self-protection inherent in every nation, could not raise a hand to protect her? Did Massachusetts voluntarily transfer the loyalty and allegiance of her sons and daughters to this creature of her own hands? Or did she generously divide the allegiance due to her, and confer a part of that right essential to the protection and life of every sovereign, whether a person or the collective citizens of a republic, on the creature she had assisted to make? If so, how was that allegiance divided? Was it halved, or did she quarter it and generously give three-quarters to the creature—reserving for herself but one-quarter of the allegiance of her citizens? Has Massachusetts approved and accepted the new, the amended, the federalist definition of allegiance that her lexicographers picked up on the battle-field after the "Rebellion" or "Insurrection" was "put down" by federal armies, written in blood by a bayonet, which requires her citizens to give first allegiance to her creature, and, second, to her? Does not Massachusetts indorse and teach in her schools, colleges and universities John Fiske's degradation of herself to a rank not quite so low as a town or a city?

This new brand of allegiance was unknown in Massachusetts in 1812 when she notified President Madison that the first allegiance of her citizens was due to her. Are we to have a new New England dictionary every time we have a little "insurrection" that lasts only four years? No! Massachusetts is not quite so degraded as she thinks she is, as John Fiske has pronounced her to be, as her Professors in her colleges and universities teach that she is. Let "hope elevate and joy brighten her crest." There are other teachers of world-wide repute, of authority to which royalty bows in submission, who differ with her teachers. There are hundreds of them, and on the questions of sovereignty and allegiance they are unanimous. Massachusetts was for a few years, if not now, a sovereign, and every one of her citizens owed allegiance to her and to her alone. Has she destroyed her sovereignty? Has she lost the allegiance of her children?

In a prior chapter the first of these questions was discussed in connection with State-rights. That view was restricted to the relation of the States to the federal government, and required, of course, an examination of the Constitution. The question of sovereignty and its necessary and inseparable sequence, allegiance, are not to be determined by the Constitution. We must look to the only code of laws by which Nations are governed and to which every Nation must conform. The Law of Nations is a part of the law of the land and superior to the Constitution, says Wharton. It is respectfully submitted just here that the error committed by all Northern statesmen for thirty years before the war to free the negroes, was in looking no higher than the Constitution for the law that controlled the States in the Union. Their view was too narrow. They belittled the States by resorting to a convention of their own making as the law by which sovereigns are to be judged and controlled. Daniel Webster was the Teucer Princeps in this offense. He knew better. He was not battling for Truth. He was a hired partisan. He not only dodged the issue presented to him by Mr. Calhoun based on the Law of Nations, but he even evaded the body of the Constitution, and for his ground of battle he chose the preamble to the Constitution. And with the shout of victory and the cry of triumph over the South—the twenty-two States enlisted at once under Webster's banner. Laws, civil and organic, were not binding. Fanaticism furnished the law—the rule of action. Men did not—would not reason. Seward found a "Higher Law—proclaimed it—the mob adopted it—and it grew in favor until legislatures attempted to legalize it, and Judges quoted it to catch the favor of the mob. Of that "Higher Law" that was found in a higher latitude, but in a very low atmosphere, notice will be taken later on. The Law of Nations was ignored. As said before, the writer has not read a single reference by speakers or writers in the North, within sixty years, to the Laws of Nations, except two extracts given by Thad. Stevens, and his purpose was to justify his fiendish desire to desolate the South as a "conquered country." His purpose came up from the sovereign in Hell—his law came down from the Sovereign in Heaven. He stole "the livery of Heaven to serve the Devil in."

What is sovereignty? It is the endowment of one man, as in a kingdom or monarchy, or an aggregation of men, as in a State or Republic, with all the rights, powers, privileges and immunities that every man in a state of nature is endowed with. These attributes of a man in a state of nature are taken by all publicists or authorities as the foundation of the Law of Nations. This sovereignty is immutable and indivisible. Vattel says: "Every sovereignty, properly so called, is, in its own nature, one and indivisible, since those who have united in society can not be separated in spite of themselves." (Edition of 1869, Page 27.) Again: "Since, therefore, the necessary law of nations consists in the application of the law of nature to States—which law is immutable, as being founded in the nature of things and particularly in the nature of man —it follows that the **Necessary** law of nations is immutable. Whence, as this law is immutable, and the obligations that arise from it are necessary and indispensable, nations can neither make any change in it by their conventions, dispense with it in their own conduct, nor reciprocally release each other from the observance of it." (Vattel, Page 58 of Preliminaries.)

If this be not "Crowner's quest law" in Massachusetts, as she was indisputably a sovereign before she entered the Union, did she cease to be a sovereign after she entered? If sovereignty be immutable and indivisible, unless she surrendered—donated—her sovereignty in toto, in solido, did she not retain it in its entirety? Will her federalism drive her to the extremity of denying an undisputed law of Nations, and to maintain that she had a Higher Law for her government, and that she retained a fraction of her sovereignty and made an irrevocable gift, or grant, of the remaining fraction to the federal government? As she acknowledges that she is less than a sovereign and teaches that she is but a little bigger than a town or city, it will be of interest, if not of value, to institute a search, or raise an "Investigating Committee" to find out who or what owns the fraction of sovereignty she granted away forever when she by ordinance agreed to the Constitution and entered the Union. For, be it remembered, that a grant in fee is irrevocable—except, perhaps, it be given under and by the "Higher Law." Who holds and owns in fee that fraction, or

the whole, of Massachusetts' sovereignty? In order to determine this question, it is necessary not only to find the grantee but to decide its legal capacity to take and to hold indefeasibly such a grant. To do this we must analyze the federal government. This has been done in the chapter on State Rights, but a brief repetition here is advisable.

In limine, it must be stated that sovereignty is not predicable of any one or thing except a sovereign. Therefore, the sovereignty, fractional or total, that Massachusetts donated is not in the Constitution. A paper—a writing—a contract—a compact, cannot be a grantee—much less, if possible, can it hold, exercise and enforce sovereign powers. But Massachusetts may have granted her sovereignty to the federal government. A thing can not receive a grant, although some of our Northern millionaires, by will, do bequeath their estates to cats. Still, in the case of the cats, the bequest must have a trustee who takes the bequest and holds it for the feline beneficiaries.

Again, even if a thing could take a grant it must be **in esse** and not **in future.** Grants cannot hang around like Mahomet's coffin. When the Constitution was adopted, two years elapsed before the federal government came into existence. Where was the sovereignty Massachusetts donated, during those years? It was not in the paper on which the Constitution was written. If the government had not organized within twenty or more years, where would have been the sovereignty of the States during that period? When the government was erected, according to the specifications the architects gave in the Constitution, did the sovereignty Massachusetts granted by agreeing to the Constitution, and which had been held somewhere in abeyance or in escrow, vest in the government? Sovereignty is not only immutable and indivisible, but it is "inalienable". (Vattel.)

CHAPTER XXXVI.

SOVEREIGNTY AND ALLEGIANCE—CONTINUED.

Sovereignty and allegiance are correlative. They are the perfect illustration of reciprocity. They are cause and effect. It is impossible for one to exist without the other. They are inseparable. When men come together and form an independent society they constitute a nation called a sovereignty. They may form a government of any type they prefer. They may rule themselves as a pure democracy, or select a limited number, or choose one man, as their ruler. In the first case—a democracy—the sovereignty abides in the entire people who compose the society; in the second, it is in the select few; in the third, it is in the one man, as a king, or emperor. The instant the power of the people is conferred there exist sovereignty and allegiance. The sovereign is bound to protect the life, liberty and property of each subject, or citizen, and each subject or citizen is bound to his sovereign to the extent of sacrificing property and even life in support of his sovereign. If the State, or nation, be attacked by a public enemy, as the sovereign must protect and defend his State, nation, or kingdom, and as he thereby protects and defends his subjects, or the citizens, they are in duty bound to give their time, means and lives, if necessary, to aid their sovereign. As sovereignty is indivisible, so is allegiance. As sovereignty is inalienable, so is allegiance. By this it is not intended to assert that a subject or citizen, by leaving his country and becoming naturalized, can not change his allegiance. But until he shall do that his allegiance is inviolable. Says Vattel: "The citizen or the subject of a State who absents himself for a time without the intention to abandon the society of which he is a member, does not lose his privilege by his absence; he preserves his rights and remains bound by the same obligations."

From the foregoing laws of Nations it inevitably follows that a subject, or a citizen, cannot owe allegiance to two sovereigns at the same time. As two half-sovereignties are

impossible, so two half-allegiances are not known to the law. As allegiance can not be divided between two sovereigns, therefore it is impossible for a subject or citizen to owe a greater part of allegiance to one sovereign, and the lesser, or remaining fraction of allegiance to another sovereign.

Those truisms lead us directly to their application to our American dual—or State and federal—governments. If there had been no separate societies called States in 1787, and the people en masse had chosen delegates and had sent them to Philadelphia to frame a Constitution, and the same people, by a majority vote, had adopted the Constitution, there would have been, after the government had been organized, one sovereign government, and every citizen within the boundaries of that government would have owed—not to the government—but to the entire people allegiance, one and indivisible. That government—that is, the people acting through that government—could then have organized certain districts of the entire territory into States, or provinces, or arrondissements as the French did, and have conferred on each, at discretion, the right to exercise all governmental authority named in the Act for their organization. This arrangement would have been exactly similar to what each separate State has done in organizing counties. In that supposed action we would have had one sovereign and one allegiance, and the construction of the dual forms of government would now be what Nathan Dane, in his flight of fancy, imagined they are.

But the order in time—the primogeniture—of the two governments was exactly the reverse of the case supposed in the above and last paragraph. The thirteen States came into life six years before the federal government appeared. These States were the parent and the federal government is their child. The man who denies this order of the beginning of the dual government disputes history as well authenticated as any in the annals of time. As each State was sovereign, free and independent before the Constitution was adopted, to whom did the citizens of each State owe allegiance? Did the citizens of Massachusetts owe allegiance to New York, or those of New York to Virginia, or of Georgia to Massachusetts? The question carries its answer. As well might we ask to whom does an Englishman, or a German, or a Russian owes allegiance.

The main question now arises—to whom or to what did the citizens of the nine States owe allegiance after they adopted the Constitution? Allegiance cannot be given to a paper—to a contract, or a compact. Allegiance is due only to a man, or men, to a ruler—a protector—a defender—of the subject or citizen. There can be no reciprocity unless there be protection in consideration for obedience. The Constitution could not protect, therefore there was no allegiance. This condition continued for two years. Then the federal government came into existence. Did its birth change the status of allegiance? The Nationalists assume without argument that it did. This is the difference between democracy and imperialism—between liberty and despotism—between State Rights and consolidated Nationalism. This is the question that determines the difference between the right of a State or States to secede from the Union and the right of the States remaining in the Union to follow them with hostile armies to force them back in the Union. The difference between the right to secede and the right to drive back into the Union by war—the difference between liberty and despotism—was illustrated in the conduct of two federal administrations, one succeeding the other; one that of James Buchanan, a Democrat and Statesman, safe and sane; the other that of his successor, Abraham Lincoln,—an Abolitionist, a Republican, an infidel, a pagan, "inordinately," "intensely," "overweeningly," ambitious; and the subject of melancholia so deep and persistent that his friends had to guard him to prevent suicide—an administration that furnished a bloody spectacle that shocked the friends of freedom throughout the civilized world. The Attorney General and legal adviser of one administration (Buchanan's) was Judge Jeremiah S. Black of Pennsylvania, her greatest lawyer, orator, statesman and controversialist, who advised the President in a well prepared written opinion that he had no right or power to make war on any State in or out of the Union; and the Attorney General and legal adviser of the next administration (Lincoln's) was James M. Speed of Kentucky, who had held Lincoln in his dwelling in Kentucky during eight months under guard, and who says he had to remove from Lincoln's reach, razors, knives and all dangerous weapons or tools to save him from suicide. Now to the main question:

It must be borne in mind that the question of allegiance to be now considered relates to the citizen of a State and not to a State or States. States owe no allegiance to any one, or to any Power. Every citizen and every subject owes allegiance to some person, or to a sovereign power. A citizen can commit treason; a State cannot. A citizen can expatriate himself; a State cannot. A citizen can be prosecuted and hanged; a State cannot. A State can not be sued in civil courts; neither can a sovereign. This question was elaborately discussed by every Judge of the U. S. Supreme Court in the celebrated case of Alexander Chisholm vs. The State of Georgia, which case brought about the Eleventh Amendment to the Constitution, forbidding suit against a State. So that, the question just here and now, is, what change, if any, did the organization of the federal government make in the allegiance of a citizen of any State? The writer has hitherto said that his aim is to make the discussion of State Rights, State Sovereignty and cognate questions so plain that men who are not lawyers can understand them. Hence, he, again, must bring forward and briefly re-state some facts and law already presented. The right of secession, as before stated, is not to be settled by the Constitution. The Law of Nations determines that question. And the law of allegiance is found in the same Code—unless there be something in the Constitution that affects the status of the citizen. This possible distinction is based on the difference between the rights of a State and of a citizen of that State—some points of this difference being given in this paragraph.

Allegiance is due to that Supreme Power that protects life, liberty, property. Is this power for protection entrusted to the State, or to the federal government? It belonged to the States before they formed the federal government. Did they "grant" that power—throw off that obligation—when they adopted the Constitution? When a citizen of Massachusetts is assaulted and beaten, or robbed, or an attempt is made on his life, to which of the two governments does he appeal for redress? Which one prosecutes the criminal and defrays the expenses? Should a citizen of Massachusetts have to sue to recover money or land or any other species of property withheld by another citizen, to what court does he resort—State or Federal? In all

these cases the injured party must appeal to the State. The federal government is impotent. Which of the two owns the right of eminent domain—an attribute of sovereignty? The State. The federal government cannot enter a State and take possession of land for a fort, or a lighthouse, or an arsenal, or a mint, without the assent of the State expressed through her legislature. It cannot get possession of private property of any citizen in a State without paying full value. Its judiciary cannot try a case requiring a jury without the aid of citizens of the State in which the case must be tried. In fact, and finally, (as previously shown in the chapter on State Rights) the federal government cannot exist without the voluntary action of a majority of the States. Destroy the federal government and the autonomy of States would not be affected in the slightest degree. Their citizens would be inconvenienced in many ways, but the sovereignty of each State would be perfect. But no inconvenience can possibly be considered in deciding this question.

The purpose of the States in creating a federal government was exclusively for their own benefit and convenience. That government derives no benefits by its existence. Its machinery, its operations, its powers, were intended to be for the good of the citizens of the States. It has no separate citizenry to serve, or to tax, or to punish, or to make war. Its right to adjudge, to use the writ of habeas corpus, to make and enforce laws, was delegated that it might be of service to the citizens of the States. No intelligent man can dispute or even doubt these propositions. Can allegiance to such an agency be predicated? Is it due to the President? He has, in his own right, not one attribute of a sovereign. Does the delegated power to make laws, confer any sovereignty on Congress? Is the limited jurisdiction of the federal judiciary one of the attributes of sovereignty? The States said, when they created these three functionaries: "You can exercise the limited powers hereby entrusted to you so long as we consent, or until three-fourths of us decide to take one or more from you." Is allegiance due to the supreme authority of a society, or to a creature formed by that supreme authority, which can change, or diminish, or destroy its own handiwork?

CHAPTER XXXVII.

CITIZENSHIP.

We come now to consider citizenship. The words "citizens of the United States" and "citizens of a State" are used several times in the Constitution. From this it is contended that there are two separate and distinct citizenships in this country. From the latter view has arisen the political heresy that a citizen of the United States owes prior allegiance to the United States, and a secondary and subordinate allegiance to his State. On this theory was based the charge that every citizen who adhered to his State during the War Between the States or, as the Nationalists view it, between the federal government (a Nation say they) and the Southern States, was a Rebel and a Traitor. We can get light on this supposed dual and superior and inferior status of a citizen by devoting a few moments to the raison d'etre of the Union, the motive that impelled the States to form a Union. The thirteen States, each sovereign and with all the duties and obligations thereby imposed, and each standing alone, weak and open to destruction or absorption by any foreign Power, concluded it would be to the interest of each to unite their strength. Another reason was the inevitable squabbles and conflicts that must occur between thirteen little nations huddled together—the strong, through ambition, or lust for power and gain, attacking and conquering the weak. Hence they agreed to have a common representative to deal with foreign nations and to insure domestic tranquility.

The first of these two purposes made it necessary to provide for immigration and to give American protection to all immigrants who should desire to become citizens. Hence, the power to naturalize foreigners, instead of being exercised by each State for itself, was conferred on one of their triple representatives—the Congress. So that when the first immigrant was naturalized under a law of Congress, he became an American citizen, and, as such, was entitled to such protection of life, liberty and property as the federal government, under its limited authority, could extend to him. But that naturalization

did not make him a citizen of any State; nor was it possible for him to be a citizen of the United States, or States United, as that would make him a citizen of thirteen States. And, yet, he occupied the position of a citizen by and through naturalization. That is, he could claim the protection of the federal government so far as it was vested with authority, without being a citizen of any State. After naturalization he could go to Canada or Mexico to engage in business, and that protection would attend him. If he should enlist in the army or navy and be captured by his former sovereign, he would be entitled to the treatment accorded to prisoners of war under the laws of Nations. If he should desire to return to his native land, he would be entitled to a passport issued by the Secreary of State designating him "an American citizen." So that, in one sense, there are two citizenships in the territory called the United States—one a floating, federal citizenship, the other attached to that sovereign body, the people and citizens of a State.

We return now to the Constitution to learn what its authors meant by the words, "citizen of the United States." In Art. I, Sec. II, we find their meaning. "No person shall be a Representative (in Congress) who shall not have attained the age of twenty-five years and been seven years a citizen of the United States." The meaning of "United States" is a matter of arithmetic. The States had not been united under the Constitution two years before the first Representatives were sworn and took their seats in Congress. Thus it was mathematically impossible for a Representative to be "a citizen of the United States" for seven years before the first Congress. But he could have been a citizen of a State longer than seven years in the opinion of the framers of the Constitution, who had declared each of the colonies a "free, independent and sovereign State" in the Articles of Confederation formed in 1777—twelve years before the first Congress. From this review of the word citizen and its connections in the Constitution, it appears that before the Fourteenth Amendment made after the war between the Northern States and the Confederate States, there were no citizens except those of the several States, and the few naturalized citizens before they selected a State to become citizens of it. This condition of citizenship was admitted by the Abolition fanatics

and they, therefore, drafted the Fourteenth Amendment to create a dual citizenship in these words: "All persons born, or naturalized, in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

CHAPTER XXXVIII.

MORE AS TO SOVEREIGNTY—THE MOST SIGNIFICANT AMENDMENT.

The first amendments (ten in number) were made to protect citizens of the States from oppression by the federal government. I have already quoted and given the number of the inhibitions laid on the government by the States in those amendments. Article XI is the most significant of all, and, in this discussion of sovereignty of each State after the Constitution was adopted, requires special notice. It is this:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by Citizens or Subjects of any Foreign State." (The capital letters are given as in the amendment.)

This amendment was adopted to repeal a power given in the original, in 1787, to the Judicial Department of the federal government in and by Article 3, Section 2, in these words: "The Judicial Power shall extend to all cases, in Law and Equity * * * * between a State and Citizen of another State * * * * and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects."

The difference between the original power and the amendment is infinite: that is to say, it is the difference between something and nothing. By the original grant of power to the Judiciary, a State could be sued by citizens of another State, and by citizens or subjects of any foreign State. Why was this amendment made? It was because no sovereign can be sued in law or equity without his express assent. This exemption is one of the immutable rights that pertain to and is a part of sovereignty. After consideration, between the adoption of the Constitution and the meeting of the first Congress, the States saw that, by that delegation of power to the federal Judiciary, they had surrendered a most important sovereign privilege or exemption, and as soon as they could act, they resumed it.

Amendments I, II, III, IV, V, VI, VII, VIII, are to protect individuals from oppression by the federal government. Articles IX, X, XI, are a declaration of State-rights or of sovereignty, and XII regulates the election of President and Vice-President.

If it be true, as contended by the Nationalists, that "the people" made the Constitution, and that every power spoken of therein was granted in perpetuity to the government, and as one of those powers granted to the Congress was—"to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof;" and, as the Congress was made the judge of what laws are "necessary and proper," does it not follow, logically and legally, that the Congress under that unrestrained discretion had the indefeasible power to regulate criminal procedure in the federal courts for trial of all grades of crime: to say how and where troops could be quartered; to say whether the people might keep and bear arms; to say what amount of bail should be required; what fines should be imposed; what punishment should be inflicted; to say what should be freedom of the press and of speech? Do not all these powers belong, by the Law of Nations, to sovereigns? If so—and who can deny it?—was not the Congress, by that grant of power to make all laws it might decide to be necessary and proper, vested with one of the rights and privileges of a sovereign? And as a sovereign power is "immutable," "inalienable" and perpetual, how did it come about that "the people" who had given that power, could, within two years, say—not to the Congress alone, but to that "sovereign Federal Government:" "You shall not do any one of the acts named in eight of these amendments made by us?" But the Nationalists and Imperialists may answer that "power to legislate on the subjects specified in those eight amendments is not named in terms among the many powers expressly granted in Article 1, Section VIII. They were overlooked by "the people" when they wrote the Constitution, and not being specifically granted "the people" did not withdraw, or deprive the Congress of, a granted "sovereign power." Nor did "the people" expressly

give the Congress power to take their money, and make a gift of eight hundred thousand dollars to the subjects of Italy and Sicily, but a Congress of Nationalists said they could lawfully do it and they did it. Nor did "the people" grant power to the Congress to make a gift of their money to President Taft to spend in touring the country to get himself re-elected, to keep the Nationalists' hands in the treasury. If this Congress of Nationalists had lawful power to give away $25,000 to Taft, could they not lawfully give him $250,000 or $500,000?

The answer by the Nationalists is not supported by law in or outside the Constitution. The gifts to the people of Italy and Sicily, and to Taft, if not midday robbery of "the people," were not made by right of any power given to the Congress. They gave away the people's money on the assumption by Nationalists that the Federal Government, as soon as organized in 1787, became instanter a sovereign over and in control of the States, and, as a sovereign, has the right to give away "the people's" money to any one the Congress may decide to favor, or to enrich. It is not surprising that a Congress of Nationalists, in order to hold despotic rule, should believe they have the right to do as they please with "the people's" money, but it shocks the conscience of all men, not Nationalists, that a lawyer and a Judge should take money thus filched from "the people." But even if the answer of the Nationalists that there had been no express immutable and perpetual grant to Congress over the many governmental regulations named in the eight amendments, and that, therefore, no inhibition was placed on the sovereign Federal Government until those amendments were adopted, that answer is of no avail to the eleventh amendment relating to suits against a State. That amendment raised and settled for such time as the Constitution shall be respected as law, the question of State-Rights, State sovereignty, and of sovereign power claimed for the Federal Government by Nationalists. A statement of the facts of the record is all the demonstration that argument of any length could establish.

"The States"—Mr. Webster's sovereign "people"—declared in and by the Constitution in 1787 that "the judicial Power of the United States shall extend to all cases in law and equity between a State and Citizens of another State, and be-

tween a State, or the Citizens thereof and foreign States, Citizens, or Subjects." In 1798, the same States—Webster's sovereign "people"—made another solemn declaration that the judicial power of the United States "shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any Foreign State."

Is argument needed to convince even Nationalists that the amendment of 1798 repealed that part of paragraph I, Section II, Article III of the Constitution, just quoted, that was adopted eleven years before this amendment was made? The Nationalists, though wild, and damners of the Constitution as "a covenant with Death and an agreement with Hell," are not idiots.

But what does this amendment establish? It proves, as clear as reason can establish any proposition, that Mr. Webster's "the people" did not grant to the Federal Government, or to the United States, any power that "the people" cannot take away at will, for the power to resume one grant necessarily can take away another grant. If the Federal Government, or its Judiciary, hold that jurisdiction is a sovereign and immutable right, why did it, without a struggle or protest—yes, dumbly—permit the States to wrest that sovereign right from it? The reasons have already been stated in the chapter on State Rights. It was because "the people," as a single aggregation, did not and never did exist. It was because the people, as a body, had no voice in making the Constitution. It was because the people in each State, holding in themselves the sovereignty of the State, made the Constitution. It was because the States acting together made a Constitution and erected on it a government which they through their own citizens were to conduct, regulate, and have entire control of. It was because the powers committed to the federal government were to be exercised by certain of their own citizens to be selected and appointed at stated periods by the States themselves. No resistance was made to the withdrawal of that Judicial authority, because there was no separate people, or sovereign, in existence to raise a hand or voice. The only people, or sovereign, or thing that could object, or could speak, was the States, who decided to undo what they had done. The Congress, the ser-

vants of the people, acted with the people to destroy the judicial power. The so-called sovereign Judiciary was the creature of the sovereign people, who withdrew its rights to have jurisdiction over a State. We reach the **reductio ad absurdum** of the Nationalists' contention when we run against the inevitable proposition that "the people," or the States, when they attempted to grant inalienable and perpetual powers to the federal Government or the United States, as contended, were attempting to grant that power to themselves.

Again, it was because there was no grant made by States of any power. They appointed one agent to act for all the States. The States so said in terms in Article X of the twelve amendments. The States or people of each State, speaking with unanimity, declared: "The powers **not delegated** to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

"The powers not delegated." Powers are delegated to a delegate. Who and what is a delegate? Noah Webster defines a delegate to be "one appointed and sent by another with powers to transact business as his representative; a deputy; synonyms—deputy, representative, commissioner, vicar, attorney, substitute." Under the verb "delegate," he says: "To depute; appropriately, to send on an embassy; to send with power to transact business, as a representative.

"2: To intrust, to commit, to deliver to another's care and management; to delegate authority to an envoy, representative, or judge."

He defines an agent to be (head 3) "a substitute; a deputy, one intrusted with the business of another; one who acts for another, as his representative."

The States declared—"The powers not delegated, intrusted and committed to the United States by the Constitution—"

The word "delegated" is the voice of an interpreter. It interprets the entire writing called the Constitution. "The powers," include all powers—each and every power "not delegated." It is not speaking of the Present, but of the Past. The States, clothed with absolute sovereignty, declare: "The powers which we delegated, two years ago, in and by our joint contract, compact, or agreement, by which we created an agent

to transact certain of our business, are specifically set forth in that writing." This is the voice of the States giving their construction of what they intended to do and did when they agreed to do, through a common agent, certain business for their "mutual protection and advantage." They put no time limit on the agency—that is, as to the length of time the agency, or machinery through which their business was to be done, should continue, but they agreed to dismiss their agents (representatives) every two years; their agent, (the President) every four years; and their Senators every two, four and six years. Their other agents, the Judges, could continue "during good behavior."

For the construction of a written instrument, there cannot be any evidence of its meaning so high or authoritative as the unanimous testimony of those who made it. Every court in Christendom has declared that evidence to be conclusive. The States unanimously declared that they had only "**delegated**" to the Congress, the President and the Judiciary, the exercise of a few of their powers; and had expressly reserved the exercise of all other powers. The power of a sovereign to dismiss an agent and to terminate the agency was never questioned, or doubted, until Mr. Webster, in the brief of a hired lawyer, contended in 1833 that the agent could compel its principal, its master, its creator, to obey a law which its creator adjudged to be contrary to instructions which the principal had given in unmistakable language. A hypothetical situation, or condition of State affairs, will show the unsoundness of Webster's bought opinion. It is this: Suppose that all the States had nullified the tariff Act and refused to let it be executed within their borders. Would the legal aspect of the situation be changed from what it was when one State—South Carolina—nullified? If so, it is for Nationalists to show the difference. South Carolina asserted a State right—the right of a sovereign, and the undoubted right of a principal, on the assumption that the federal government was and is the agent of the States "without an interest coupled" with the agency. If all the States—if half the States, each acting separately, can nullify, why has not one State the same power or right? If all the States had nullified that tariff Act, would it have been the duty

of the United States, through the government at Washingon, to enforce the law to collect the custom duties? If one were lawless, would not two nullifiers be lawless? Would not half? Would not all? The Nationalists' reply is that "a State cannot nullify," (which is begging the question) "cannot commit treason; the people, the individuals who resist would be the traitors. President Jackson did not say he would hang South Carolina. He said 'I will hang Calhoun.'"

In the case supposed—of nullification by all the States—whom would Jackson have hanged? The people of all the States—all the people of all the States who defied the tariff law? Could the agent hang his principal because he refused to ratify an act done by the agent which the principal asserted exceeded the authority he gave to the agent? But that is not the chief fault in the contention by Nationalists. They must show how the sovereign United States can enforce obedience to the law. Where could the President get an army? The States, says the compact, supply all soldiers. The president has to request the Governor of each State to lend him men called soldiers. The Governor alone has the right to call on citizens of his State to enlist. He alone can appoint Colonels, Captains, Lieutenants. The Governors of the New England States refused to furnish troops to President Madison in 1812, and the "Sovereign United States" had to submit to John Fiske's little dependencies (the States) that are not quite so much "mediatized" as cities and counties, and that gave away, like spendthrifts, to their creature in 1787, the most, the best, the highest attributes of sovereignty each held; yes, stripped themselves of the powers necessary to self-preservation—that, by the highest law on earth, "The Laws of Nations," are "immutable," "indivisible," and "inalienable;" the power to make war, to coin money, to levy taxes, to make treaties, to own a warship —and are now little Persian satrapies, Roman provinces, arrondissements, or cantons; "little stars revolving around and existing by the light and heat of the Central Sun at Washington" —all under the control of the sovereign Nation—the World Power—the Empire—whose throne is in the White House!

CHAPTER XXXIX.

ABRAHAM LINCOLN.

"We are the creatures of circumstance and passion." The truth of that axiom was never better exemplified than in the career of Abraham Lincoln. On the current of Time, when unruffled by gales of passion; when the roar of battle has died away and the rumbling of commerce has followed; when the door to the temple of Janus has been closed long enough to creak on its rusty hinges, millions of men have come, played their parts on the stage of life, and passed, leaving nothing but a brief and loving epitaph, who were superior in every particular, mental, moral and physical, to the subject of this notice. Had the Commune not taken control of Paris; had the red cap, that portent of blood, not been the patriots' insignia of power; had not the Menads, fierce and furious with hunger, kindled fire in the hearts of the sans-culottes,—the incomparable Corsican would, no doubt, like Desartes and Leverrier, have filled the chair of Mathematics in a college, and might have discovered the planet Neptune.

Had not Harriet Beecher Stowe given birth to that fox and tied fire to its tail, and turned it loose in the Northern prairies; had not a madman attempted to incite negro insurrection in Virginia; had not the Democrats in convention failed to make a nomination in 1860, the fame of Abraham Lncoln would have drooped at the confines of Illinois, and the savor of his name would have lingered and perished in the western haunts congenial to vulgar and obscene anecdotes and stories. But circumstances and fanaticism took him as he was, and raised him to the pinnacle his vaulting ambition coveted, and whence the bullet of a madman apotheosized him. The dead Lincoln has aroused enthusiasm to the degree of a craze. The bibliography of Lincoln written during forty years is quadruple that on Washington during 113 years. In fact, Booker, the negro, is a close second in popular favor, in the Northern States, to George Washington. Andrew Carnegie, as reported by the press, after a careful analysis of the white and the black Washington,

gave it as his deliberate opinion that the negro is a few laps ahead. This was said just after a few words from Booker had so amazed the ignorant Scot, that he jerked out $650,000 and donated them to his wonder. Booker—more amazed by such waste of money, thinking he might be required to build and keep up an Infirmary for Fools, and probably have to take care of this spendthrift in his old age—after getting his breath, asked what the check was for. "For you, or your school, just as you wish."

It seems that the glory of the Founder of the Republic of American States was eclipsed when Lincoln by war destroyed it, and raised the federal government—the creature of the States—to the rank of a sovereign Nation over and controlling the States. This was his opinion expressed in his Inaugural of March 4th, 1861, and that opinion was his justification for making war on the seceded States before getting authority from Congress—the only tribunal that can declare war, and that only against a foreign nation. But I must not discuss the law at this moment. These worshipers of Lincoln dead, turned their backs to him until his tragic taking-off. When he was nominated for the Presidency in 1861, the Northern press was cachinatory over the absurdity of such a hoosier at the helm of State even in a calm; what could he do in a storm? The walks of private life, the highways of commerce, hummed and echoed with "rail-splitter"—"gawk"—"Hoosier"—"a walking cyclopedia of dirty stories"—"an ignoramus"—all true except the last. When Lincoln opened the ball with 17,000 soldiers at Bull Run—fanatics at the head of whose frantic column he stood like Lucifer "proudly eminent"—and marched over the Constitution into Virginia, the hilarity was hushed, the comedy, through ambition, had in a twinkling become the tragedy, not for one to be stabbed, but in which nations had been killed. When that Sabbath sun—that had looked on the thousands of livid faces turned to him as if praying for life—went down, and the thousands had been scattered as chaff; when the women, arrayed as lilies never are, with their Beaux Brummell as butlers to pour the champagne and serve the luncheon, drove out from Washington that holiday to rejoice at the butchery of their betters, and to wave their satins and silks, as the Rebels

were captured and marched to the tune of traitors and rogues, and the race began between infantry, carriages with guns, and carriages with Brummells and disheveled women—too pale to weep—to reach Washington, the curses then poured molten on Lincoln and his fanatical mob were such as no American, except Benedict Arnold, had ever evoked.

That was but the opening fusillade. From that day to the middle of 1864, a cannonade of abuse saluted him. "A fool," "an ass," "an idiot," "imbecile," "constantly swapping Generals," not regarding his old saw—"not to swap horses while crossing the branch," "not fit to govern a cage of cubs," "why run down deserters—he'll turn 'em loose." Thousands wished to get rid of him, but the only road to send him away was through the ballot box. He was vilified throughout the Union. Strangers, judging by the language, and not knowing of whom it was spoken, would have believed a villain, a pirate, a cracksman of a hundred banks, or an idiot was the offender. These anathemas were thundered through the Northern press for near three years. When it became evident that the Confederate States, from exhaustion, could not maintain much longer the principle of sovereignty of the States they had advocated in the Union for seventy years, and had endeavored to uphold out of the Union, the abuse of Lincoln became less violent, and finally simmered down when General Lee surrendered. Then, the negroes being freed, as the fanatics believed, by Lincoln's bull called the Emancipation proclamation; and The Nation, as they styled it, being saved, abuse and vilification changed to commendation, then to praise, until, rising on the unsubstantial fabric of enthusiasm, his late traducers discovered Lincoln to be a hero. So he stood until his unfortunate end at the hands of a madman. Then, with clamor and shout for revenge and blood, came the erstwhile calumniators laden with wreaths of laurel and bay, songsters reciting poems, orators crammed with historic examples of heroes, great warriors, statesmen and saints, to find a parallel to the man who had "saved the Nation and freed the negroes."

When a man persistently abuses a neighbor for years and, on receipt of a benefaction believed to come from the hands of that neighbor, suddenly changes from abuse to unbounded

praise, and then to hero-worship, who shall say whether the abuse or the praise is based on truth? When a large aggregation of men pour vials of wrath on one in authority over them for years, and they suddenly receive an invaluable property made by the operatives in the corporation of which their quondam villain is president, and, from vile slander, the recipients of the property shout his praises on bended knees, who can decide whether the abuse or the praise was deserved? Certainly both cannot be true. The supposed invaluable property was the "Nation saved," and the imagined Savior was Abraham Lincoln. A greater deception no people ever practised on themselves. No more delusive dream ever possessed the brain of an enthusiast. Lincoln the Savior of the "Nation?" Lincoln a great General? Lincoln another Washington, another Marlborough, another Wellington, another Lee? He was a wonderful cyclopedia of anecdotes and homespun stories—the majority shockingly obscene, but to say he was in any sense a warrior is the cruel flattery of a sycophant. One of the substantial grounds of abuse throughout the North was his ignorance of the art of war. He has been lauded as an almost infallible judge of men—that, too, in the face of his continual blunders in choosing men to command armies. Did he exemplify his marvelous judgment when he removed General after General over the army in Virginia? If so, what shall be said of McClellan, of Pope, with "Headquarters in the saddle;" of Halleck, and Burnside, and Meade, and, also, of Banks, the "Confederates' Commissary" in Louisiana?

Born in the lowlands, Lincoln was early infected by their mephitic exhalations which became pestilent to companionship in every walk and station. No change of position, no height of official elevation, could ameliorate it. The polish usually given by contact with refinement, the respect due from youth to age; the reverence that all, young and old, pay to those who try to lead the world to Heaven, produced no more effect on his natal and social proclivity than do rain-drops on the armadillo. As the lower insect and crawling world are by instinct drawn to and feed on putrid things, his associates gathered to and clung to him, attracted by the foul drippings from his tongue. The atmosphere of the West, before Lincoln was known beyond the

borders of Illinois, was saturated and reeked with his stories so delightful to the vulgar and salacious appetite. I have said this infection continued from youth through life. One instance is sufficient proof of this assertion. During the war, some young men of Baltimore, who as Christians had become sickened by its brutality, held a meeting at which the Rev. Mr. Fuller, pastor of the Presbyterian Church, Eutaw Place, was present to take counsel to decide if they could do anything to diminish the horrors of the war. They decided to send a committee with the Rev. Mr. Fuller at the head, to see President Lincoln. They went—called at the White House, and the chairman spoke in behalf of those Christians. Lincoln heard him in silence. When Mr. Fuller concluded, Lincoln without comment or reply, said the *

CHAPTER XL.

LINCOLN VIEWED IN DIFFERENT ASPECTS.

The annals of all history show no prototype or counterpart of Abraham Lincoln. In every aspect he was **sui generis.** There have been men of even greater monstrosity in one particular; but, in his triune assembly—physical, mental and moral—he stands alone. In every physical attribute he was abnormal. He was six feet four inches in height; his arms were long like those of the gorilla; his hands very long with uncommon prehensile capacity; his legs out of proportion in length; his trunk short; his chest very narrow between the shoulders, and from front to rear sunken as with consumption. His face had not a normal feature; his nose stood away to the right like the immortal nose of Jack White; his ears were very large and set at right angles to his skull; his mouth was misshapen; his forehead retreating; his eyes small and chin projecting; his feet large and he was stoop-shouldered—his voice was piping, and his gait ambling, shambling and rambling.

His moral side was worse than his physical. He was amiable with men, but cruel and perfidious to women. To creditors he was true, to women he was false. He understood the obligation of his promissory note, but for his promise of marriage, he had no sense of honor. He knew nothing of the fitness of time, place and subject. It was all one to him whether he told his filthiest stories to a preacher, on the hustings, or in a barroom. In his letter to Mrs. H. O. Browning, he makes cruel sport of Miss Mary Owen, who had rejected three times his offer of marriage. The letter is an attempt at wit. Although a pitiable failure as wit, it is proof of malice and of vulgarity, baseness, indecency and savage nakedness of soul. It is a shocking revelation. His vile thought was insulting to Mrs. Browning. The language deserves execration even in a bawdy-house. No people who respect and honor women would tolerate such an untutored savage. No woman should mention his name in praise until

veiled to escape identity. The letter in full is in the Appendix to this book. It is given as his own contribution to the cloaca of his thoughts, and a commentary on the refinement and intelligence of Lincoln's paean-singers and worshipers.

It is claimed that he had a strong will; that he was slow in reasoning, but, a conclusion once reached, no man could move him. This is not a bad definition of obstinacy, or of stubborn ignorance. "A wise man changes his mind—a fool, never." This quality, however strong, has never made any man great. Lincoln was a fatalist. He was in no sense a Christian. He rejected all religious creeds. He maintained as a part of his moral code that the most benevolent acts were dictated by selfishness. This gives the key to his desire to free the negroes. He was the victim of many superstitions. He often told his partner he would die in some horrible manner. When he left home to become President he said he would never return alive.

On the quality of the third of his triune attributes—his mind—there was and is diversity of opinion. He was never a student, although anxious to be a scholar. Herndon says he never read any book from beginning to end. Yet he was a diligent reader. He always read aloud. Often, while Herndon was busy studying a case, Lincoln would lie down, prop up his heels, and when apparently in deep thought he would burst out in loud laughter at some dirty story. He would delay clients from giving the firm business, to spin yarns; and although he would repeat stories a hundred times, he invariably laughed as loud and as long as any listener to whom the story was new. He had but one rival in thus applauding his own performance. The State of Georgia produced a black negro who was blind, and an idiot in every respect except in music. He was called "Blind Tom." As a musician he was the most wonderful of all musicians. He toured America and Europe. When he finished a piece he would rise from the piano stool, clap his hands and applaud as wildly as any of his audience.

Herndon says his partner "was inordinately ambitious." That passion "to figure in the world's eyes" mastered all others. The allurement of political office caused neglect of the business of life. Defeat could not abash him. He rose from the ground to pursue office with renewed energy. But his mind

was overshadowed. He was pursued in every position in life by melancholia—a grade of insanity. He told his intimate friends he dared not carry even a pocket knife because he feared he might commit suicide. As to whether the bar sinister attached to his birth preyed on his mind, or melancholia was innate, there was difference of opinion among those who knew him best. This dark shadow enveloped him when he emerged from the cave of his birth, and it may be truly said that "Melancholia claimed him as her own" to the hour when his presentiment of a violent death was resolved into prophecy. The assertion that he was perfidious and dishonorable to women must not be left supported only by his letter to Mrs. Browning, mocking and ridiculing Miss Owen—his second love. That puts him under the ban of all who are not touched with negrophilism to the extent of fanatical blindness and of insensibility to decency, and to what is due to their own mothers, wives, daughters and sisters. But his conduct in his third affair of the heart, if it may be so dignified, was as dishonorable as it was cruel, and as cruel as a stab through the heart by an Apache.

Lincoln, in his boyhood, led the life of a vagabond—that is, his career was aimless. He was like driftwood. He had no steady employment. He split rails. He drifted down on a raft to New Orleans for $8.00 per month. He umpired dog-fights, cock-fights, wrestling matches and foot-races. He clerked in a store awhile; then cut cordwood. He and a Mr. Berry bought on credit the stock of a failing store-keeper, and while Lincoln engaged customers at one end of the store with vulgar tales and politics, Berry, at the other end, was drinking up the stock of whiskey. It needs no historian to write the epitaph of the firm of Lincoln & Berry. When Black Hawk, the Indian Chief, crossed the Mississippi, east, in violation of the treaty, Lincoln became a warrior. His company marched and counter marched —feeding on the fat of the land—but could not see the Indians. But the Union got the benefit of Lincoln's experience in merchandizing and in that war. It equipped him to manage with brilliant success the business of the federal government, and at the same time to maneuver three million warriors against the South. The world has been assured a million times that he

saved the Union. But his panegyrists are not just to the firm of Lincoln & Berry and to Black Hawk, to whose training Lincoln's ability as a savior was due.

He had three thrills of the heart before it was calmed by matrimony. His first love was Miss Anne Rutledge—a fair, fragile beauty. Whether they were ever plighted is a mooted question. But she wasted away, and in 1835, with the Autumn leaves, she perished. The second was Miss Mary Owen of Kentucky, to whom he thrice offered the crown, and who, like Caesar, thrice refused to wear it. Of her the brutal letter was written by the rejected lover to Mrs. Browning. Miss Owen was intellectual, was highly educated, and possessed much of this world's lucre, of which Lincoln had none.

The third was Miss Mary E. Todd of Kentucky, whose lineage alone was a rich legacy. She was educated in a convent in Kentucky, spoke French like a Parisian, and of her ancestors in the maternal line two had been Governors, and one Secretary of the Navy under President Tyler. Her sister had married a Mr. Ninian Edwards and they resided in Springfield, Illinois—Lincoln's home. On a visit to her sister, Miss Mary and Lincoln met. To shorten the story, Lincoln offered his hand and heart. She could see nothing in him that evoked any responsive emotion. But after importunity for months by Lincoln and his friends, she assented. The day for the wedding was appointed. Mrs. Edwards went to the trouble and expense of renovating home and furniture. A feast rich and bountiful was prepared. Invitations went into Kentucky as well as through Springfield. A minister was engaged, and the hour set for the joyous ceremony. On the appointed night the feast was spread, the invited guests assembled and the minister was promptly on hand. The bride expectant sat with several selected bridesmaids in a room separate from the guests, awaiting the hour appointed. The happy hour struck, but the bridegroom had not arrived. Conversation was resumed but it was spasmodic. The quarter after was marked off by the hands on the dial, and the bridegroom was still delinquent. Whispered surmises floated around the room. "He must be unavoidably detained"—"Something very unusual has occurred"—"It may be he has suddenly become sick." Conversation languished. Time tolled off a half-hour

—but the bridegroom did not relieve the tense anxiety. "Oh! he'll be here soon"—"he's a man of the highest sense of honor. Be patient." Who but a woman can know the emotions of that bride expectant at that hour—wavering between faith and doubt, hope and fear, shame and indignation? The tension grew painful. An hour passed. Then the chivalry of man for woman flamed up. Young men rushed to the street and, scattering, began a hot search for the culprit. They visited all known haunts of the story-teller—inquired of all passers-by—and returned with imprecations to inform the bewildered assemblage that they found no trace of the betrayer of the betrothed.

CHAPTER XLI.

ABOUT LINCOLN'S PUBLIC RECORD, AND A PURITAN ABOLITIONIST'S VIEW OF PROPERTY AND TITLE.

The world, since the war of Abolition, has heard nothing but praise of Lincoln. As "no man is perfect—no, not one," there must be another side to this wonderful mortal. If there be—and as biography is the base of all history—any acts or sayings that can supplement what has been written and spoken of him should be made a part of history. Audi alteram partem—"hear the other side"—is a wise maxim of the Romans, intended to establish justice. There is not much to be said that is not praise—would there were none—but that little may be instructive and illuminating, though not acceptable to hero-worshipers. Infatuation is an ailment difficult to cure. It borders on another malady which prompted the wisest of poets to write—"Canst thou not minister to a mind diseased?" Indeed, when infatuation fastens on a living object, nothing can shake it loose but a rude rebuff, or shock, by the object itself. As the subject of this unbounded admiration has passed from earth back to earth, there can be no rebuff—no shock. Rather, as the tender roots of a near-by tree, seeking nurture, pierce the new-turned mold to reach the inanimate dust it sheltered in life, and flourish by what they feed on, so this passion that required Caesarian surgery by Death to give it birth, now descends into the grave and hourly grows on the meager glory it finds buried there. Without resort to records made by ful some flatterers, or sincere adorers, or by the pestilent parasites that feed on real or imaginary greatness, I shall confine this presentation of Lincoln to the public record made by himself and his friends. The deductions made therefrom must stand or fall on their merits. The record no worshiper can be mad enough to deny.

Mr. Lincoln was a lawyer. He had studied the Constitution of the United States. He was a close observer. He knew well the political situation in the Union; the causes of sectional division; the intense feeling on both sides. He knew the South did not import negroes and make slaves of them. He knew New England had begun that traffic and kept it up from 1636 far into the nineteenth century. If he read the history of Massachusetts, he knew that she, as a body politic, established the slave trade for profit, and that she never repealed by statute, after repeated attempts, negro slavery. Born in 1809 he lived through the entire period of sectional hostility brewed by slavery. He was 21 when the Hayne-Webster debate occurred. He saw the rise of the anti-slavery movement—saw it take form—was of age when Lovejoy, one of the first agitators, was murdered in Lincoln's own State—Illinois. He saw abolition societies start and grow into thousands. He knew that the Constitution recognized the negroes as personal property, and provided that slaves escaped into free States should be delivered to their owners. He knew of the "Underground Railroad"—that it was used to aid thieves to carry the slaves to free States and Canada. He knew the criminal laws and what was defined as theft, and that men and women were engaged in stealing slaves (personal property) and sending them into Canada. He knew that act was theft and that the actors ("let the galled jade wince") were thieves. Of these criminals he, also, knew the Abolition Party was composed, and that they were of his supporters when he was nominated and elected President. He knew they were of the breed of New England religious fanatics, and that religious fanatics believe, as did and do the Puritans, that what they do is approved by God, and they stop at no barriers and obey no law exept their own will. He knew that, from the first Congress (1789) to 1860, these fanatics petitioned Congress to abolish negro slavery, and that, as he often said in his debates with Stephen A. Douglas, Congress had not the power to abolish, or in any wise to interfere with slavery in the States. He was in Congress in 1847-9 and heard these petitions read. In proof of the lawlessness and murderous intent of these fanatics, he had before him the in-

vasion of Virginia by John Brown and followers, to massacre men, women and children, and to free their slaves.

With all the enormities done in Kansas, and by Brown in Kansas and Virginia; the many thousands of negroes stolen, the avowed purpose of the Abolitionists to free the slaves in all the Southern States; the statutes passed by eleven Northern States to nullify the statutes of Congress to carry into effect the clause in the Constitution requiring escaped slaves to be delivered to their owners—with all these, and much more too numerous to tell, known by Lincoln, his ungovernable ambition to rise from his humble beginning to the Presidency of the United States, made him sink all consideration of justice and right and humanity, and put his name before a convention of religious fanatics, of men who gloried in stealing negroes; of men who had denounced the Constitution as "a covenant with Death and an agreement with Hell," and who swore they would not be controlled by the Constitution, as they had found a "Higher Law" than that damnable paper.

No learning is required to know the meaning of the word, "mob." A child, seeing it, defines it by agitation, fear and feeling of horror. This boastful land of Freedom, Liberty and Law has been, to some extent, under mobocracy since the first mob razed to the ground a market house in Boston, until the adjournment of the last convention of Republicans in Chicago that nominated President Wm. H. Taft for re-election. Mobocracy is the legitimate offspring of Puritanism. But we must trace a mob to its development as it was when Lincoln, in 1860, put himself at its head to lead it. For this we give Webster's definition of Conspiracy:

1. "A combination of men for an evil purpose; an agreement between two or more persons to commit some crime in concert."

2. "One who conspires; who engages in a plot to commit a crime, particularly treason."

As to what act, among many others, is revolution or treason, I quote another great New England authority—another Webster, named Daniel. In reply to Calhoun in 1833, he said: "What is revolution? Why, Sir, that is revolution which overturns, or controls, or successfully resists the existing public authority;

that which arrests the supreme authority, that which arrests the supreme power." Again, he said: "An attempt by a State to abrogate, annul, or nullify an act of Congress, or to arrest its operation within her limits, is a direct usurpation of the just power of the general government, and of the equal rights of the States; a plain violation of the Constitution, and a proceeding essentially revolutionary in its character and tendency."

It were idle to cudgel the brain to phrase a better indictment of the horde of Abolitionists, Free-soilers and Revolutionists, who in Northern legislatures passed laws "to resist, arrest, and annul, within their States, the laws enacted by Congress" to compel the rendition of fugitive slaves. What did they care for laws which were "the supreme authority" in the Union? What was an oath to them to support the Constitution? What? They were acting in obedience to their "Higher Law"—the same law negroes and other thieves obey when they start out for a white man's henroost, or a bank, a horse, or a hog. What did they care for the commandment "Thou shalt not steal?" If the law of God could not hold them back from crime, of what avail was man's law in every State in the Union, defining larceny to be—"The wrongful and fraudulent taking and carrying away by any person of the personal property of another with intent to steal the same?" With the impudence and defiance of law that mark the trail of the Puritans in England and Holland, and their bloody tracks for near a century after they set foot in America, they shout back at us—"What? A negro, property? A human being—made in the image of his Maker—a slave and property? There is no law for it! It is contrary to our opinion. Our opinion is our law—the only law we intend to obey—have ever obeyed. Our oath to support the Constitution and laws of Congress is not binding on us. The Constitution says nothing about negro slaves and property in negro slaves. We have the same right to construe the Constitution that Congress has to construe it. Besides, that old paper is "a covenant with Death and an agreement with Hell. Away with it!"

Calhoun did not make a stronger argument in support of Nullification than the above defiance persistently made by Puri-

tan Abolitionists for forty years, on the hustings, on platforms, in Northern pulpits, and in Congress. Here follows a wild raging of these Puritan fanatics and Patriots, murdering thousands each day "to preserve the Constitution!" Coffroth, a member of Congress from Pennsylvania, had just said in a speech on the Resolution before Congress in 1864 for adding a 13th amendment to the Constitution: "I care not whether slavery is retained or abolished by the people of the States in which it exists—the only rightful authority. The question with me is, has Congress the right to take from the people of the South their property * * * Would it be less than stealing?" To which the Puritan Abolitionist, Farnworth, of Ohio, replied: "What constitutes property? I know it is said by some gentlemen on the other side that what the statute makes property, is property. I deny it! What 'vested right' has any man or State in property in man? We of the North hold property, not by virtue of statute law, but by virtue of enactments. Our property consists in lands, chattels and things. Our property was made property by Jehovah when He gave man dominion over it. But nowhere did He give dominion of man over man. Our title extends back to the foundation of the world. That constitutes property! There is where we get our title! There is where we get our 'vested rights' to property!"

Before resuming the line on Lincoln, I drop a few remarks on this view of property and title to it. Mr. Farnsworth, in the froth of debate, evidently was not thinking of New England. Her title to "land, chattels, and things" is not so ancient as that of Farnsworth's "we"—by which he, no doubt, meant the "we, the people" Daniel Webster was sole proprietor of by discovery of them in the preamble to the Constitution. New England's title to "land" did not reach back "to the foundation of the world." It was acquired mainly by killing Indians. Her title to "chattels and things" was acquired in various ways—some things (which may include money) by smuggling, some by selling in the West Indies, as slaves, Indians captured in war; some by fines imposed on Quakers for not taking off their hats; some by forcing prisoners to work, under penalty, if they refused, of sitting in the stocks; some by tying them to a cart-tail and whipping their bare backs while they were dragged through three

towns; some by fines for failure to attend "divine service" on Sabbaths, there to suffer for two hours, listening to discourses in monotone on infants in Hell, Salvation by Faith, Hell-fire and Eternal Damnation. Her title to negro slaves, with which she stocked the Southern colonies and States, did not date farther back than 1638. She must have felt grossly insulted by the charge, made by the Honorable Farnsworth in open session of the House of Congress, that she had no title to negroes she ran down, bought with rum, and stole in Africa, and made slaves, and, as soon the black cargo could reach the Western Continent, added fraud to theft by announcing that she had perfect title to the slaves, whereas she had none whatever, except that of a buccaneer or pirate—that is, if the Honorable Farnsworth's information about titles to "chattels and things" was as thorough as his knowledge of what the Lord intended, when He was laying "the foundation of the World," should be good title to "land, chattels and things" in the Northern States.

The Honorable Farnsworth of Ohio was so radical a Puritan and Abolitionist as to forget that the title to the land his house stood on, as a part of Ohio, was given by Virginia in 1787 to the United States. As "we of the North" derived title from Jehovah, he had, probably, traced Ohio's title beyond that of Virginia. If so, the next link, back, he found in James I, who gave the land to Virginia. But he could not stop at the King. He must trace her title—(what a laborious man that Farnsworth was!) Let us see what that man did to find out whether the title to his "home, chattels and things" was perfect. He started to examine the records under Queen Elizabeth—who was the last of the Tudors. He then ran back through the reign of the House of York, or the White Rose, then of the House of Lancaster, or the Red Rose. He has now been at work through 159 years. Next he took up the Plantagenets through eight reigns. That landed him up against William the Conqueror, when history records there were many new deals in lands by robbing Peter to pay Paul. But between Elizabeth and the Conqueror thousands of titles had been broken by breaking necks with ropes, and by drawing and quartering. Some had fallen in by the "statute" of Mortmain, or it might have been by "enactments"—a different process according to Mr. Farnsworth; some by attainder, a

few by escheat; some by failure of inheritable blood; some by præmunire; others by "Treason!" "Rebellion!" "Conspiracy!"—each the real, genuine, simon-pure article—none of that miserable second-hand, hand-me-down shoddy stuff like that the Union soldiers had to wear; not a base imitation "Rebellion and Treason" the Southern Rebels and Traitors got up—so poor a counterfeit that the "Nation" didn't think it good enough to be hung or shot for. So the Nation just took up a small soldier named Wirz and a poor old woman named Surratt and hanged them, thereby hanging the Southern Traitors and Rebels, just as many thousands of brave, valiant Abolitionists fought and died during the war—**by substitute.**

All the foregoing methods of acquiring title to "land, chattels and things," besides many more, had to be examined and decided on before going beyond William the Conqueror. But this undaunted Puritan investigator went on through the rule of the Saxons, then the Danes, then Anglo-Saxons, then the Saxons alone, and back to Julius Caesar, before Christ. That carried him to Rome. There anybody but Hercules or Farnsworth would have thrown up the job, for he found there, after Rome had ruled nearly the whole world for 1200 years, the same state of things we have accomplished in vainly trying to rule ourselves only 124 years. That is, he found there a few grantees holding the land throughout the empire, as he found to be the case in this empire, but he found millions of grantors—too numerous to mention. After verifying the title of "we in the North" to their land, as Aeneas, it is said, founded Rome before Romulus and Remus sucked the wolf, Farnsworth had then to go to Troy and begin to excavate, and read the runic or cuneiform bricks to trace his title. He found, no doubt, the hilt of the sword with which Pyrrhus hacked old King Priam into fish-bait; the spindle of the chariot that dragged Hector around the wall; Cassandra's veil, that she wore when prophesying; the heel of Achilles that received his death wound, and a few of the weary sighs Troilus breathed "from the Trojan wall to the Grecian camp where Cressid lay that night." Thence this explorer passed eastward, into the shadows, first, then the twilight, the gloom, and then the night that shrouded the earth a hundred million years after its "foundation was laid," before he met the Lord and got

the title to "land, chattels and things" for "we of the North" —negro slaves not being included. The most valuable result of this research through so many million years is that he proves his grandfathers, who warranted the title to the slaves they sold to us of the South, to be arrant knaves, cheats and swindlers. Let us hope he ran himself into that hole without seeing it. A fanatic plunging on under such a head of steam as Farnsworth got up, so that he took "enactments" for the Decalogue, couldn't tell a hole from a comet, and would take a negro for his grandfather.

What marvelous acumen these fanatics have "to sever and divide a hair 'twixt north and northwest side,"—to draw a line wide as a gulf between "statutes" and "enactments." This fancied power is the ecstasy of madness, after o'erleaping all barriers and restraints of law to establish order among men, and becoming the confidant and spokesmen of God, and co-Directors with God in governing His footstool. It is Puritanism, grim, merciless, infallible, defiant, stamping down its plighted faith and honor, and standing triumphant upon them. Puritans sold the slaves to the South under guaranty of title, and afterwards pledged "their lives, their fortunes and their sacred honor" in maintaining and defending the life, liberty and property of all the colonies; and again by signing and adopting the Constitution that declared the title to slaves they had given, to be "double sure."

In an early chapter the Puritans' deficiency in reverence for ancestry, indifference to their forbears of merited distinction, was shown in the names given by them to counties and towns, mountains and rivers, inlets and bays, in their colonies and States. This uncouthness and neglect was not an oversight. A thousand acts, like links in a chain forged one at a time, repeated through two centuries, are not done by mistake. Such barbarous outward shapes and images are reflected by the mirror fixed by nature steadfast in the mind or spirit. And that mirror has been a spiritual heirloom down from father to son for many centuries—that insensibility—that hebetude to family pride—that disrespect for distinguished fathers and citizens. Their fathers and grandfathers of the strictest Puritan sect helped to frame the Constitution, and then adopted it as their

palladium. It was pronounced, the world over, man's wisest conception. But the children of those wise and patriotic sires rise up by millions and damn them as the authors of a writing by which they entered into a covenant with Death and Hell,—an anathema framed and hurled at their immortal shades by a son of Puritans, and he stands honored by Puritans on a monument in Boston.

CHAPTER XLII.

LINCOLN AND THE CHICAGO CONVENTION THAT NOMINATED HIM IN 1860—SEWARD, BEECHER, PARKER AND OTHER ABOLITIONISTS AND ANARCHISTS.

I return to speak directly of Lincoln. I was classifying the lawless elements that nominated him for President, when I thought it would not be time lost to accompany Farnsworth in his only attempt to find the Lord. I must ask indulgence for applying plain Anglo-Saxon to those elements. It is not my habit, nor my taste, but this occasion must be an exception. The President of the Confederate States, their Generals, and the rank and file, and all who felt as they felt, have been slandered, maligned, vilified, besides being branded as rebels and traitors, for near fifty years in every country on the Earth. Men of education, by applying "rebels and traitors" to Southern men of all classes, have taught the ignorant, the malicious, and the vile to roll those words as sweet morsels on the tongue. There were no rebels, no traitors, nor perjurers in the South. There were no rebels in the North, but there were perjurers by the thousands, traitors by the tens of thousands, thieves by the hundreds of thousands and revolutionists by the millions. These are plain, blunt, unvarnished words. They are used not from habit, or choice, or desire. They are employed only because the paucity of the English language offers no other words that can be enrolled as substitutes; because, in criminal pleadings, these words are of ancient and highly honorable standing; and because Christ, the supreme Master of adaptation, when he wished to impress the world with his conception of the enormity of certain sins, always pressed into service words that gave the clearest idea of the sins, words that needed no interpretation, and that the simplest mind could understand.

I left Lincoln at the Chicago Convention, made up of a motley crew—men who, he knew, as lawyers, had sworn to support the Constitution and laws enacted by Congress; and who as legislators, after being sworn again to support the Constitution, had forthwith voted for a statute intended to "resist, annul and nullify Acts of Congress" passed at the mandate of the Constitution. These men, beyond quibble, were perjurers and revolutionists. Again, Lincoln knew that he had supporters in that convention who were conspirators with the other men, and with women and boys, who did the active work in stealing slaves and speeding them to Canada, or any other hiding place. He often said slaves were property. The raiders, and the operators of the under-ground railroad, were as clearly thieves as men who steal horses, hogs, or gold. And as all conspirators are equally guilty of the crime committed by one or more, he was supported in that Convention by a gang of thieves. It was by the application of the principle of law stated above that the court attempted to justify the hanging of Mrs. Surratt for the killing of Lincoln by John Wilkes Booth. The traitors were the men who joined the federal army and made war on the States of their birth, homes, and allegiance. This will be shown by the Law of Nations.

The foregoing covers the four classes—Perjurers, Revolutionists, Thieves and Traitors—who, except the last class, nominated Abraham Lincoln for President, and whose characters and crimes he knew. The law makes no distinctions in crime. It does not call a poor man who steals a loaf, a thief, and a rich man who steals millions an "appropriator." It does not call a poor man who steals a coat, a thief, and a rich woman who "lifts" a diamond a "kleptomaniac." It calls the man who steals what the law of man describes to be personal property a thief, and does not call the man who ignores man's statute law and steals the same property, a philanthropist, a patriot, a hero! It calls the man who "whistles down the wind" the statute laws, and defies the organic law of the government that protects him, an Anarchist, and denounces him as only fit for treason.

When Henry Ward Beecher took the two negro women—slaves—in a carriage from Cincinnati into the woods between midnight and dawn to be sent to Canada, he was stealing; he was as complete a thief as if he had that night sneaked into a

farmer's lot and stolen and hid in the woods two sows. When Theodore Parker, another of New England's most holy proclaimers of God's command—"Thou shalt not steal"—to vile, low, lawless sinners, received and hid away for months the two slaves—William and Ellen Crafts—and then raised money for their passage, and took them disguised to the ship and sent them to Europe—he was a thief. He was a Puritan fanatic, a clerical ruffian, before he became an avowed thief. It was he and William Ellery Channing, ———— Baker and a few others, who kicked holes in their surplices, and then dragged Christ from his triune seat in Heaven to the Earth, and made him sit down by Confucius, Buddha, Socrates and Zoroaster.

When William H. Seward, with a genius for evil unsurpassed, announced his discovery of "Higher Law" than the Statutes of Congress, than decisions of the Supreme Court, than the Constitution, he was a Revolutionist, in morals and law a traitor; and, in fact, the boldest propagandist of multiform crime—theft, treason and murder. He begat John Brown, who murdered men and boys as a hunter shoots wolves. He sired that nest of vipers—Thad Stevens, Ben Wade, John P. Hale, and thousands more. He flyblew corruption a continent wide, that hatched a multitudinous winged brood with poisonous sting—crawling by night, flying by day, and breeding as they crawled, so numerous that, like the locusts of Egypt, they eclipsed the land in gloom and despair for twenty years, and swarming tumultuously above the Constitution, settled down upon it, and extinguished its guiding, vital light. It is behind this "Higher Law" these wreckers of statute law and the Constitution—yea, and of the Republic—seek refuge. While they find there a far higher order of society than they have ever seen or enjoyed, still, there is one quality common to both the humble refugees and the royal dwellers. That quality is tyranny, despotism, unbridled oppression, for there repose the tyrants and despots of all the ages. These refugees are there ensconced, hugger-mugger—cheek by jowl—with the Thirty Tyrants of Athens, with Dionysius of Syracuse with his "ear of stone," with Catherine of Russia, Bloody Mary, and a legion more. They, too, had their "Higher Law." It is the plea of a tyrant when he wants money, dominion, pleasure, or blood.

The tyrant Appius Claudius pleaded it when he lusted for the beautiful Virginia, who only escaped him by the dagger of her devoted father. Nero asserted it when he wished "to rid Rome" of his adoptive brother, his wife and his mother, whom he murdered. The man who defies law and pleads public necessity, or the public good, as Lincoln did, in justification of his unlawful deeds is unfit for rule—is already a despot.

It is clear that Lincoln was nominated—

1st. By men, who, after swearing to support the Constitution and the laws of Congress, passed statutes to annul a part of the Constitution, and two acts of Congress. They were perjured—and Lincoln knew it.

2nd. By men who "resisted and annulled and defied the Acts of Congress." They were Revolutionists and conspirators —and Lincoln knew it.

3rd. By men who had been in a conspiracy to aid and abet in the crime of stealing slaves—personal property. They were conspirators and thieves—and Lincoln knew it. Revolution is rebellion and those engaged in it are Revolutionists and traitors. This, also, Lincoln knew.

These were the men Lincoln solicited to nominate and to elect him President. These were the men who elected him. It is not intended to intimate that Lincoln had committed any one of the four crimes his supporters had been guilty of. That question will come up after his inauguration. It is only said here that, knowing the criminality of the men in the convention, he accepted the nomination tendered by them and put himself at their head as their leader. It is a significant fact, and one to be borne in mind, that the anarchist who proclaimed the traitors' creed that there was a "higher law" than the Constitution and the statutes of Congress, was Lincoln's foremost opponent for that nomination, and that Lincoln selected that Anarchist for the highest position in his Cabinet—that of Secretary of State. "Anarchist" is the only word that describes him. The man who denies the binding authority on him of the highest laws of his country, and that after he had sworn time and again to obey and to uphold those laws, is the man who among all civilized peoples is known as an anarchist. Lincoln knew that Seward proclaimed that new political treason, and he knew it was the spirit and life of anarchy.

Again; Seward started life as a teacher in Putnam County, Georgia, where he became embittered against Southern people because he was not received as his vanity and Puritan impudence coached him to believe he should be. Probably there was not a community in the South more cultured and refined than that of Putnam County. This "Yankee school-teacher," by nature uncouth and presuming, was considered as persona non grata in that quite, gentle society, famous for strong men and beautiful women. Seward left there with vengeance in his heart and negro in his brain. From Lincoln's intimacy with Seward, from 1847 to 1861, he knew Seward's social reception in Georgia, and Seward's hostility to the South.

Again; Lincoln was not only an Abolitionist, but history says he lectured on abolition in his State. Under a placid exterior he was ready to go to extreme lengths on anti-slavery. In his debate with Stephen A. Douglas when running for the United States Senate, he imagined a state of facts and stated his fancies to be facts. For instance, he charged a conspiracy hatched by Douglas, President Pierce, James Buchanan and Chief Justice Taney, that the decision in the Dred Scott case should be held up until the election for Pierce's successor should occur in 1856. He had not the courage to call the names. He supposed a house built by "Stephen, Franklin, James and Roger"—the christened names of those gentlemen. He was so hostile to that decision that he advocated in that debate a reorganization of the Supreme Court to get it reversed. He said: "I have always hated slavery, I think, as much as any Abolitionist—I have always hated it, but I have always been quiet about it," etc.

Lincoln said he maintained that each State had the right to do exactly as it pleased with all the concerns within that State that interfered with the rights of no other State, and that the general government, upon principle, has no right to interfere with anything other than that **general class of things that does concern the whole.** Slavery was that class of things which he believed concerned the whole, that is, all the States. He had just said, in the same sentence—"I believe each individual is naturally entitled to do as he pleases with himself, and the fruit of his labor." And in the next paragraph, speaking of slavery.

he said—"this matter of keeping one-sixth of the population of the whole Nation **in a state of oppression and tyranny unequalled in the world.**"

Replying to the charge made by Douglas that he would not abide by the decisions of the United States Supreme Court, Lincoln said: "Just so. We let this property (the slave, Dred Scott) abide by the decision, but we will try to reverse that decision. We mean to do what we can to have the Court decide the other way. That is **one** thing we ("Abolitionists") mean to try to do."

CHAPTER XLIII.

SOMETHING OF THE LINCOLN-DOUGLAS DEBATE—QUOTATIONS FROM LINCOLN'S FIRST INAUGURAL ADDRESS.

Douglas in one debate charged Lincoln with deception—with "trying to fool the people" of Illinois by making one speech in the Northern end of the State and another altogether different in the Southern, or "Egypt"—the Democratic portion. Douglas then read the platform of the Abolitionists, pledging the Abolitionists to do many things, among them, to repeal and entirely abrogate the Fugitive Slave Law, and declaring that Congress had no power to pass such a law, that "that power belonged to the States," and charged Lincoln with standing on that platform. In the fifth joint debate Lincoln said: "The negro was included in the Declaration of Independence." He asserted many times that "this country could not exist half free and half slave," and, as he was an Abolitionist and denounced slavery as "tyranny and oppression unequaled in the world," and as he declared, further, that this country could never be all-slave, we have no trouble in deciding what was in his mind and heart when he took his oath as President.

The tiny biography of Lincoln given by Douglas in their first joint debate is not devoid of significance. "We were both comparatively boys. I was a school-teacher in Winchester (Ill.) and he was a flourishing grocery-keeper in Salem. He was just as good at telling an anecdote as now. He could beat any of the boys wrestling, or running a foot-race, in pitching quoits, or tossing a copper; could ruin more liquor than all the boys of the town together, and the dignity and impartiality with which he presided at a horse-race, or fist-fight, excited the admiration of every boy that was present and participated."

In the seventh joint-debate Douglas said—"Lincoln was in Congress in 1847 while the Mexico-American War was on; thus he voted for Ashmun's Resolution declaring that war unconstitutional and unjust." Douglas then adds: "It is one thing to be opposed to starting a war, and another and very different thing to take sides with the enemy against your own country, after war has commenced." It was on that Resolution that Tom Corwin of Ohio uttered the celebrated sentence—"The Mexicans should welcome the soldiers of the United States with hospitable hands to bloody graves."

Lincoln had boasted often that he was an "Old-Line Henry Clay Whig"—a strong friend of Clay. In the seventh and last debate Douglas said: "You have read the speech of Gen. Singleton at Jacksonville" (during this joint debate). "He charges that at a Whig caucus in 1847, held—during a convention in this State—at the home of Lincoln's brother-in-law, Lincoln proposed to throw Henry Clay overboard and take up Gen. Taylor, and that in the National Convention in Philadelphia of the Whig Party, Singleton met Lincoln there, the bitter and deadly enemy of Clay; that Lincoln tried to keep him (Singleton) out of the Convention because he insisted on voting for Clay, and that Lincoln rejoiced with great joy over the mangled remains of his friend, Henry Clay.

"When the Wilmot Proviso, that disturbed the peace of the whole country until it shook the foundation of the Republic from center to circumference, was pending in Congress in 1848-9, Lincoln was in Congress, and is the man who, in connection with Seward, Chase, Giddings and other Abolitionists, got up that strife. And I have heard Lincoln boast that he voted forty-two times for the Wilmot Proviso, and would have voted as many times more if he could."

I have thus gone back to Lincoln's youth, traced him in early manhood from his first appearance in public life as a member of the Legislature of Illinois in 1836, then his election to Congress in 1846, and then through his debates with Douglas in 1858, and to his election as President in 1860. This ancient and forgotten lore is tedious reading, but it throws a calcium light on the acts of the man from the date when he as President swore to support the Constitution, to the hour when he

was summoned to Judgment "with all his imperfections on his head." The reader who studies the brief record just given above, with the thought of a student and knowledge of the human heart—"deceitful above all things," even when not "desperately wicked;" who knows the perilous brink on which fanaticism confidently takes its stand, when, having turned its back on all human laws, it imagines it can hear the voice of God, and enter into His counsels, and steal the secrets of His Providence, will be better prepared to interpret the meaning of much that is veiled in the secret alphabet of thoughts unexpressed.

During the last and furious debate, or row, in Congress in 1860 before the American Republic went down, Lincoln sat low with his ears to the ground. When any proposition was made looking to a compromise, he telegraphed to representatives from Illinois not to agree to anything that could possibly add one more foot of slave territory to the Union. This is further proof of Lincoln's hostility to slavery, if any more than his own declaration in the joint debate were needed. But it shows another important fact—his purpose was to arrest the growth of the South and make all new States free, and when the fortieth State should be admitted, the free States, having a three-fourths' majority, could and would add an amendment to the Constitution abolishing negro slavery. I bring forward in this connection his declaration quoted above in the debate with Douglas, to-wit: "The general government, upon principle, has no right to interfere with anything in the States other than that general class of things that does concern the whole"—that is, all the States; and as he had asserted that **Slavery concerned all the States,** and we have here the key to his secret purpose. At that time (1858), he did not believe Secession would occur. He believed, as did all, that the Democrats would continue in power indefinitely. This view is made still clearer when we recall the fury the Abolitionists exhibited when Webster in his speech of March 7th, 1850, said if Texas should by vote of a majority of her citizens divide her territory into five States, as was agreed by Congress, when Texas was admitted into the Union, that she might do, he would vote for the admission of the extra four States. That and his declara-

tion in the same speech that he could vote for a bill to require surrender to the master of fugitive slaves, was Webster's political death-warrant.

In the last debate Douglas said: "Lincoln says that he looks forward to a time when slavery shall be abolished everywhere. I look forward to a time when each State shall be allowed to do as it pleases. I care more for the principle of self-government than I do for all the negroes in Christendom. I would not endanger the perpetuity of the Union, I would not blot out the great inalienable rights of the white men, for all the negroes that ever existed. Mr. Lincoln went on to tell you that he does not desire to interfere with slavery in the States where it exists, nor does his Party. I expected him to say that down here." (Lower part of Illinois). "Let me ask him, then, how he expects to put slavery in the course of ultimate extinction everywhere, if he does not intend to interfere with it in the States where it exists? He will extinguish slavery in the States as the French General exterminatd the Algerians when he smoked them out. He is going to extinguish slavery by surrounding the slave States—hemming in the slaves and starving them out of existence as you smoke a fox out of his hole. Mr. Lincoln makes out that line of policy and appeals to the moral sense of justice and to the Christian feeling to sustain him. He says any man who holds to the contrary doctrine is in the attitude of the King who claims to govern by Divine Right."

The last utterance of Douglas in this last debate tells, indirectly, the real cause of the war—the persistent interference by the Puritans with the domestic concerns of Southern States. He said: "If we will only live up to this great fundamental principle of non-interference, there will be peace between the North and the South. The only remedy and safety is that we shall stand by the Constitution as our Fathers made it; obey the laws as they are passed while they stand the proper test; and sustain the decisions of the Supreme Court and the constituted authorities."

We have heard Douglas charge Lincoln to his face as one of four conspirators who concocted the Wilmot Proviso to renew sectional strife and hate. They were Wm. H. Seward, Salmon P. Chase of Ohio, Joshua Giddings of Ohio, and Wilmot of

Pennsylvania, who fathered the Resolution in the House. Giddings was a rabid Abolitionist. So was Chase. Wilmot had no distinction, good or bad, except as a hater of the South. He was selected as the mouth-piece. Lincoln, when driven into the corner, or back to the rope, by Douglas in every debate, protested that he did not intend to interfere with slavery in the States; but he would not let it go into any territory, or new State. We shall see how near his acts after he got office follow his protestations when pleading for office.

Let us see how, after swearing to support and defend the Constitution, he started off to support it. The Latins had a wise maxim—"a man is known by the company he keeps." There is another common sense rule that every prudent man since men have done business always adopts. If he desires to fell a tree he uses a sharp axe and not a plow. If he would plow he does not use an axe. If he would build a house he does not employ a bar-keeper. If in power and he would govern with wisdom, justice and mercy, he does not call to his side as aids men of lawless character. If elected by one section of a country divided into two hostile sections, he will not, if a wise and just ruler, select men as his advisers and to execute his orders, who hate the people of the other section. If it is his purpose to obey the laws, organic and statutory, and judicial decisions of the highest authority, would he choose an **Anarchist** as his first choice among seven advisers to be selected by him, and appoint that **Anarchist** to the highest and most responsible of all offices within his power? This interrogatory carries its own answer. No man not a lunatic would answer "yes" to it.

What did Lincoln do as soon as he swore to support the Constitution? He scanned the whole country, and, of all men of the thousands fit to be Secretary of State, he picked out the bitterest hater of the South and the man who, sitting in the United States Senate by authority of the Constitution—his only warrant for wearing the toga of a Senator—proclaimed himself to be above that Constitution, above the statutes of Congress which he was sitting there to assist in passing, and above the decisions of the Supreme Court of the Government whose commission he was acting under. All this record of Wm. H. Seward Lincoln had known for years. And with that knowledge he selected that **Anarchist** as his chief counsellor—the only

one of his Cabinet whose position and duties required him to deal with foreign nations, and with the South he so bitterly despised.

Lincoln's next choice was one of the five conspirators, who, as Douglas—pointing his finger at Lincoln as one of the five—charged, had devised the Wilmot Proviso "to keep up the strife" between the two sections. This man was Salmon P. Chase—Lincoln's Secretary of the Treasury—the man who was to counsel Lincoln and Congress how best to raise money to subdue the Confederate States. The other five members of his Cabinet were pliant under Lincoln's hand—ready to do his bidding without murmur, and not of sufficient force to merit further notice. Simon Cameron, Secretary of War, was noted as having great wealth acquired as Indian agent in the West. With these arrows in his quiver, Lincoln started on his Divine mission of love, mercy, justice and obedience to law.

The counsellors and servitors were appointed on the 5th of March—the day following Lincoln's inauguration. Cameron, and Gideon Welles, Secretary of the Navy, began at once to get ready the army and the navy "to preserve the Union" which had been rent by Webster in 1830, and "to uphold the Constitution and the laws" that had been violated in every way fanatics could devise for twenty-five years; that had been violated, cursed, damned by negro thieves; that had been violated by perjury committed by Conspirators and Revolutionists in eleven States who passed "Personal Liberty Laws" to resist and nullify the clause in the Constitution giving owners of fugitive slaves the right and means to recover them. Lincoln had given these Cabinet puppets full orders in his Inaugural—in language of unmistakable meaning. He said:

"I consider, in view of the Constitution and the laws, the Union is unbroken, and, to the extent of my ability, I shall take care, as the Constitution itself expressly enjoins upon me, that the laws of the Union shall be faithfully executed **in all the States.** I trust this will not be regarded as a **menace**, but only as the declared purpose of the Union, that it will **CONSTITUTIONALLY** defend and maintain itself. In doing this there need be no bloodshed, or violence, and there shall be none unless it is forced upon the National Authority. The power confided to me will be used to **hold, occupy and possess the**

property and places belonging to the Government, and to collect the duties and imports, but beyond what may be necessary for these objects, there will be no invasion, no using of force against or among the people anywhere. Plainly, the central idea of Secession is the essence of Anarchy!"

"High on a throne of royal state, which far
Outshone the wealth of Ormus and of Ind,
Satan exalted sat, by merit raised
To that bad eminence; and, from despair
Thus high uplifted beyond hope, aspires
Beyond thus high."

Why did not this palaverer, this palterer with us in a double sense, have the courage and truth to exclaim, in words that told his purpose—"My sentence is for open war!" There by his side sat Moloch, the sceptered Anarchist, "the strongest and the fiercest spirit of all;" why not boldly launch his hidden thunderbolt, and cry—"Turn loose the dogs of war?"

"Secession is the very essence of Anarchy!" The Southern States have committed that first act of Anarchy. The Constitution and the laws denounce it. I am here to enforce the laws. I intend to take and hold the forts the anarchists now hold. I intend to enforce the laws in the States occupied by the anarchists, and to collect therein duties and customs. If the anarchists keep quiet while I march with an army to enforce the laws, there will be no invasion—there will be no bloodshed.

Such was the blindness of a people given over to believe a lie—such their rage from fear of losing the wealth wrung from the South by "Protection"—such the depth of sordidness and selfishness to which avarice had plunged that people—such the barbarity that had smothered humanity and filled their hearts with wormwood and gall—that that declaration of war in Pecksniff's protestation of love and benevolence, was applauded to the very echo as the outpouring of a great heart almost bursting with sorrow and compassion.

CHAPTER XLIV.

LINCOLN BECOMES A USURPER AND INAUGURATES WAR.

Horace Greeley, in his select collection of calumnies and lies called "The American Conflict," said that Lincoln considered his Inaugural "as a resistless proffering of the olive-branch to the South." Logan, in his **mausoleum,** puts Lincoln to tossing sleepless on his bed that night, wondering how his "Inaugural **offering the olive-branch** would be received by the wayward, wilful, passionate South."

If a neighbor from whom Lincoln had stolen systematically for years, had moved away to save what he had left and to live in peace, and Lincoln had followed and told him "if you don't move back so I can continue to steal from you, I'll go to your home and drag you back, but I will not kill you, unless you resist," that tyrant would call his threat an offering of the olive-branch of peace. The two Secretaries of War and Navy set to work vigorously the day they were appointed to get soldiers and ships ready to convey to the South their master's "olive-branch of peace."

On the 12th day of March—eight days after the olive-branch had been proffered to the Confederate States—Martin J. Crawford, of Georgia, and John Forsyth, of Alabama, two of the Commissioners sent by the Confederate States Government bearing authority to make an agreement with the National Government looking to an amicable settlement of all National questions between the two governments, were in Washington. They addressed a note to Seward, Secretary of State, requesting him to see Lincoln and to ask what time it would be agreeable to him to give them an interview to talk over the business of their mission. On March 15th, under instructions of Lincoln, the Anarchist sent to the Confederate Commissioners the following as a finality. Enclosing Lincoln's Inaugural in which he declared his purpose to invade the Southern States "to enforce the laws," the Anarchist wrote—as if talking to the air:

"A simple reference to the Inaugural will satisfy those gentlemen" (not even mentioning their names) "that the Secre-

tary of State, guided by the principles therein announced, is prevented altogether from admitting or assuming that the States referred to by them, have, in law or in fact, withdrawn from the Federal Union, or that they could do so in the manner described by Messrs. Forsyth and Crawford, or in any other manner than with the consent and concert of the People of the United States, to be given through a National Convention to be assembled in conformity with the provisions of the Constitution of the United States. Of course the Secretary of State cannot act on the assumption, or in any way admit, that the so-called Confederate States constitute a Foreign Power, with whom diplomatic relations ought to be established."

To this slap in the face and kick down the steps by Lincoln's head Anarchist, Forsyth and Crawford, and A. B. Roman, their associate commissioner, replied on the 9th of April. I quote the most important part of the reply:

"The truth of history requires that it should distinctly appear upon the record that the undersigned did not ask the Government of the United States to recognize the independence of the Confederate States. They only asked audience to adjust, in a spirit of amity and peace, the new relations springing from a manifest and accomplished revolution in the Government of the late Federal Union. Your refusal to entertain those overturns for a peaceful solution; the active naval and military preparation of this Government and a formal notice to the Commanding General of the Confederate forces in the harbor of Charleston that the President intends to provision Fort Sumter by forcible means, if necessary, are viewed by the undersigned, and can only be received by the world, as a declaration of war against the Confederate States, for the President of the United States knows that Fort Sumter cannot be provisioned without the effusion of blood. The undersigned, in behalf of their Government and people, accept the gage of battle thus thrown down to them; and, appealing to God and the judgment of mankind for the righteousness of their cause, the people of the Confederate States will defend their liberties to the last against this flagrant and open attempt at their subjugation to sectional power."

I do not purpose to give even a sketch of what followed the supercilious treatment by Lincoln and his chief Anarchist of

those messengers bearing the true olive-branch. That bloody field is not within my purview. I am giving the other side of the North's martyred saint. I charge to him the responsibility for the destruction of the Republic founded in 1787, and the rise on its ruins of a despotism. He was America's first despot, but he will not be the only and the last. To this view a separate chapter will be devoted.

By nature Lincoln was a gawk and a boor. His chief delight flowed from dirty stories. In the crude West when he was growing up, as in all pioneer society, chastity of speech was not popular. Lincoln's vulgarity and quick perception of incongruities made him a welcome addition to circles where such stories were retailed and enjoyed. Judges delighted in doffing judicial dignity—such as it was in theory—and to listen to the erstwhile rail-splitter and boatman. He was strong before juries because he seasoned and spiced argument with anecdote. Thus he rose in popularity, and in 1836 was sent to the Legislature. That taste of brief authority stimulated ambition to go higher. In 1847 he was elected to the House of Congress. There he saw the giants of the Republic—rubbed against them —measured them—and vanity persuaded him he was at least their equal. There, too, he became engulfed in sectional partisanship, and as he "always hated slavery," his hatred enveloped the master with the slave. His desire to free the slaves took fire and blazed into a consuming ambition. His aspiration seized on the Senate, and he made the run with Douglas in 1858. Events came and went rapidly. The compromise of 1850 intensified his negrophilism; the sectional warfare in "Bleeding Kansas" fired his heart. John Brown's raid into Virginia inspired his Party with hope and new energy, and Lincoln mounted the popular wave and, to the surprise of himself and the Abolitionists, he rode into the haven he had long steered his craft to reach. Ignorant of the Law of Nations and desirous to display his knowledge of the Constitution, he tracked behind Webster in his exposition in his debates with Hayne and Calhoun, and composed the Inaugural in which, "like the scurvy politician, he saw things that were not." He saw States stripped of sovereignty, and that sovereignty in his hands as President of a Nation. And thus deluded he deter-

mined to make himself immortal as the Emancipator of four million negro slaves.

Lincoln knew the spirit of the South. He knew how the Puritans had, for fifty years, irritated its people by theft of slaves and inciting them to insurrection. He knew the people would never again brook interference with their domestic affairs, and he knew that when he contemptuously insulted the South by refusing to even speak to her peace Commissioners, he had dared the South to mortal combat. But, bent on freeing the slaves, and knowing that the mob of Abolitionists at his back would demand of him to do what they elected him to do, or, on failure to obey, he would fall a victim to their rage, he prepared for war. Let us follow him to catch a glimpse of the man as the real Lincoln flashed out now and then during the four years of torment that racked his soul. It is safe to say that from the first battle of Bull Run to the surrender of General Lee, Lincoln, of all men in America, was the most miserable —as he deserved to be. But more of that later on. To free the slaves was Lincoln's primary purpose, but he knew he could not rally the North on that issue. He, therefore, raised the cry—"SAVE THE UNION!" "The flag has been fired on!" "Rally around it to Save the Union!" On the 15th of April, just six weeks after he as President swore to support the Constitution, he made a call on the Governors of all the States to send to him 75,000 soldiers. For what? He had declared in his Inaugural he would only enforce the laws "to collect duties and customs" in the seceded States. Did he need 75,000 armed men to do that? Had he tried to collect any duties and customs in the seceded States and failed because he had been resisted by armed force? He had not made an attempt.

But more and worse. He said "Secession was anarchy"—that the people of the South had violated the Constitution, and he intended to uphold it—to preserve it. That bond of the Union says Congress alone has power "to raise and support armies." Congress had not voted to raise an army. There was no Congress for four months after he was inaugurated, and would not have been until the first Monday in December, 1861, if he had not called an extra session. There was no appropriation to support 75,000, or even ten, soldiers. He had no more authority to raise an army than he had when he

was a boat hand. Why did he not convene the Members elect the day after "the flag had been fired on," and let Congress say what should be done? Why did he delay calling Congress in extra session until July 4th? Why arm and equip 75,000 troops—drill them—send them into Virginia and command them to march on Richmond before Congress met? Only 17 days passed after Congress convened before the battle of Bull Run. He had invaded Virginia in May. Ah! the wily fox! with an Anarchist his chief adviser. He would not trust Congress. "The Northern heart must be fired!" "I intend to free the negroes. I must foment a situation to prevent Congress from attempting any more compromises such as were proposed only four days before I was inaugurated."

Logan, in his mausoleum—"The Great Conspiracy"—says: "By the end of May not only had the ranks of the regular Union army been filled and largely added to, but 42,000 additional volunteers had been called out by President Lincoln. The Southern ports had been blockaded. Washington City, and its suburbs, had, during May, become a vast armed camp; the Potomac River had been crossed, and the Virginia hills, including Arlington Heights, had been occupied and fortified by Union troops; the young and gallant Col. Ellsworth had been killed by a Virginia Rebel while pulling down a Rebel flag in Alexandria, and Gen. Benjamin F. Butler was in command of Fortress Monroe, and had, by an inspiration, solved one of the knottiest points confronting our armies—that is, Butler had confiscated as property escaped slaves within his lines, as 'contraband of war.'" Here is testimony from one of Lincoln's adorers, to prove what he had done without authority of Congress, or of the Constitution. Logan's evidence was not necessary. He only recited history "known of all men." But Logan was no lawyer. He did not, could not, see he was condemning to infamy his idol. He probably knew that a King, a Monarch, or other Ruler, who seizes power beyond his lawful reach, is a Usurper, and a Usurper is a tyrant. Every student of the federal Constitution knows that the President has nothing to do with declaring war. He is commander-in-chief of the army and navy, and when war is declared, he takes command.

Yes, Lincoln intended to have war begun. He must move as the fanatics demanded, so that, when Congress should organ-

ize, he could say in substance—"I started into Virginia to execute the laws you made; to collect the revenue and customs at Norfolk, Wilmington, Charleston, Savannah, Jacksonville, Mobile, New Orleans and Galveston, and I was met by thousands of Rebels and Anarchists, and they told me not to come. So I called for a posse comitatus of 117,000 men to make sure my mission. I armed and drilled them and organized them into battalions, regiments, brigades and corps, and they are now ready to attack the anarchists. What are you going to do about it? Will you like cowards back out, and leave those brave men at the mercy of these anarchists? Will you have Washington taken and burnt?" Lincoln knew he had usurped a power of Congress, and that he was a Usurper. He may not have branded himself a tyrant, but that is what the law defines a Usurper to be. But he and his Anarchist-adviser knew that the course he took was the only way to insure civil war, and, if successful, to free the negroes. Lincoln's ambition was to be the Great Emancipator. Seward's was to get revenge on the South—its men and women—and to destroy their refined civilization that rebuffed him in Georgia.

After the cry, "On to Richmond," had rung through the North a year from the rout of Lincoln's posse comitatus at Bull Run, Lincoln "saw another sight." His devotion to the negro had been chilled by the horrors of the battle-field. That blood was on his hands. He had usurped the war power of Congress and precipitated a gigantic struggle, to which he was not equal in his Generals or his troops. He was bombarded from Maine to Oregon. Hope did not elevate nor "joy brighten his crest." Mothers whose sons had been killed and left on the battle-field to be clawed by carrion crows and gnawed by worms were raising the cry of Niobe widows—their husbands dead and homes desolated—were shrieking sleep from the Usurper's pillow. Editors were cursing him. Horace Greeley in August, 1862, madly assaulted him in the Tribune, and had it placed under his nose. In brief, the Great Emancipator found his negro pet too heavy and dropped him. The sole agonizing cry was—"Save the Union!"

In proof of his desertion of the slaves, I quote his own words. The negroes who for a half century have had the same Lincoln rabies his white Northern worshipers have, and been parading

streets in all Southern cities and towns on "Emancipation Day," should remember these words. In answer to Greeley's attack Lincoln replied by letter, August 22nd, 1862, and among other things, said: "If I could save the Union **without freeing any slave I would do it,** and if I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race, I do because I believe it helps to save the Union, and what I forbear, I forbear because I do not believe it would help to save the Union." It thus appears by his own confession that Lincoln did not care whether the negroes were set free or kept in slavery. If the Union could be saved by freeing the slaves he would try to free them. If the Union could not be saved if the slaves were freed, he said, "I am willing that they shall be held in slavery." This letter to Greeley is on Page 433-434 of Logan's book—"The Great Conspiracy." This is the world's greatest philanthropist —according to the verdict of the worshipers of the twin heroes —Lincoln and John Brown.

We have now to consider another phase of this immortal mortal. The English language has ben ransacked for superlatives, and the superlatives have been stretched into super-superlatives by windbroken orators, and by a procession as long as the issue of Banquo, of neophyte historians, to raise Lincoln to a height just below the angels in praise of his gentleness, charity, and humanity. Again I prefer Lincoln as a witness to what was in his heart, to all these interminable strings hanging to his coat-tail to gain fame by reflection, or even to those semi-judicious among the blind pagan idolaters, who through a rift of the darkness can see a spot on the burning surface of this last sun "risen on mid-noon."

On September 13, 1862, a deputation from all religious denominations of Chicago presented to Lincoln a Memorial for the immediate issue by him of a proclamation of Emancipation of all the slaves in the South. He made a long verbose speech in which this language was used:

"I do not want to issue a document that the whole world will see must necessarily be inoperative, like the Pope's bull against the Comet. Now tell me, if you please, what possible result of good would follow the issuing of such a Proclamation

as you desire? Understand, I raise no objection to it on legal or Constitutional ground, for, as Commander-in-Chief of the Army and Navy, in time of war, I suppose I have a right to take any measure which may best subdue the enemy; **NOR DO I URGE OBJECTIONS OF A MORAL NATURE IN VIEW OF THE POSSIBLE CONSEQUENCES OF INSURRECTION AND MASSACRE AT THE SOUTH.** I view this matter as a practical war measure, to be decided on according to the advantage or disadvantage it may offer for the suppression of the Rebellion!"

We have long heard of the Devil's cloven foot, but not before have we seen it. Humanity! cry his worshippers! Humanity! The hanging of Quakers for a nonessential difference of opinion was, indeed, humane compared to the savagery of the heart that harbored that fiendish hate. The mouth of the adder is joy to its victim beside this inhuman tongue. No creeping thing that on its belly crawls has God endowed with less compassion than had this simular of virtue. The massacre of the Huguenots was mercy to the fate this monster planned for the South. The savage baffled in warfare to conquer his enemy on the field, who sneaks at dead of night, and fires the prairie and burns what he cannot subdue, is a benefactor compared to the paleface who, beaten on the field, determines to have the wives and daughters of his foes raped by savages, and, then, men, women and babes butchered in their burning homes! Is this a "rebel's"—an "anarchist's"—a traitor's" vituperation of a hero, a patroit, a saint? Let Lincoln answer the charge. It must stand or fall by his own words.

A short notice of the alarming situation Lincoln had made by violating his oath and usurping the war power of Congress, will link his name with Pope Innocent III, with the Duke of Alva and the St. Domingo Massacre, whenever it is read or spoken among civilized people of coming ages. We have seen that he usurped the power to make war and to raise armies and rushed to immortalize his name. The battle of Bull Run stunned him. In every important battle from that day (July 21, 1861) to the issue of his Pope's Bull—Emancipation Proclamation—defeat after defeat staggered and bewildered him.

He began early in 1862 to pray for help. He was pelted with the vilest epithets by his own dupes, and was dodging and pleading for relief. After cudgeling his brain for months, he hit on the expedient of Emancipation. He knew he had no power as President to touch slavery. He had so declared. But he believed that a Proclamation of Freedom to all slaves within the Confederate States would arouse the slaves to insurrection and massacre, and, if they once rose up and began to burn, rape and kill, the Confederate soldiers would, in defiance of all military rules, orders and commands, rush to their homes and protect their wives, children and property; that desertion would paralyze the Confederate Government, and his march to conquest would be a holiday parade.

Had he considered the consequence of insurrection and massacre he believed his Proclamation would inevitably produce? He is the best witness. Let him speak. I said he had contemplated this fiendish measure for months. Replying to the Chicago preachers (as quoted above, Sept. 13, 1862), his opening sentence is this: "The subject presented in the Memorial is one upon which I have thought much **for weeks past**, and I may even say **for months.**" He then, after a speech covering two pages, said, as quoted above: "Understand, I raise no objections against it (the Proclamation) on legal or Constitutional grounds, for, as Commander-in-chief of the Army and Navy, in time of war, I suppose I have the right to take any measure which may **best subdue the enemy, NOR DO I URGE OBJECTIONS OF A MORAL NATURE IN VIEW OF POSSIBLE CONSEQUENCES OF ISSURRECTION AND MASSACRE AT THE SOUTH.**"

Cæsar had his Brutus! Charles the First his Cromwell, and Abraham Lincoln his John Wilkes Booth!

In his Inaugural, March 4th, 1861, after branding the secessionists as anarchists; after proclaiming that there would be no invasion of the South; that he only intended to collect duties and customs, and to occupy federal property, he, in conclusion, said: "I am loath to close. We are not enemies, but friends. We must not be enemies. Though passion may have strained, it must not break our bonds of affection." This is a leaf from the "olive-branch of peace"—so like the Mohammedan's "take

the Koran, or I will take your life." "Desert your colors! Break up your government by anarchists! Go to your homes! Hold State Conventions and abolish slavery—that 'worst tyranny and despotism in the world'—and we will be friends I am your President and Ruler!" This was the voice of Peace!

Douglas, in the joint debates, charged Lincoln with trickery —with deceit—in making a speech in Northern Illinois to catch Democrats. Here he played the role of hypocrite. He was playing to the galleries and to the audience of Europe. He had lived through the entire period of slavery agitation—knew the Puritans began it—had seen it grow like a prarie on fire—knew that fanatics started it and would never stop perscution of the South until slavery was abolished and that Secession was the only escape from that persecution. Yet, he seized on the word "passion" to fix blame on the South—to make it appear that the North was so innocent of wrong-doing as to be amazed at Secession—so astounded as to see nothing but anarchy as the motive. That he knew was dishonest, deceitful and false. This view of Lincoln is fully presented in the chapter on Secession.

CHAPTER XLV.

LINCOLN ON "UNIVERSAL LAW" AND THE "PERPETUITY" OF THE UNION.

In his inaugural address Mr. Lincoln said: "I hold that, in contemplation of **universal law**, and of the Constitution, the Union of these States is perpetual. Perpetuity, implied, if not expressed, is the fundamental law of all **National Governments.** It is safe to say that no Government proper ever had a provision in its organic law for its own termination."

What "Universal Law" is, Lincoln did not tell us. It might have aided the public to understand what he was talking about. If he meant law of the Universe, he should have included in his Inaugural a cyclopedia of the laws that control every thing in and out of the Universe. This suggestion assumes that he could produce a cyclopedia to which the thousand scientists who have advocated different theories, had finally agreed. If he had not soared so lofty, and had used plain common-sense language, and had said, even standing tip-toe: "I hold that there are a few laws that are recognized by the wisest men as universal, and I give as an instance the law that every nation, and State, is sovereign, free and independent, and perpetual," he could, then, have announced that, this being a universal law, must be a "fundamental law" of all Nations, and our National Government **being a Nation,** as he assumed, therefore "it necessarily and logically follows that our National government is sovereign, free, independent and perpetual." There was not an Abolitionist, Nationalist, or Puritan fanatic, among the "thirty thousand" hearers (John A. Logan's figures) who would not have applauded him three times. The syllogism, or sillygism, would have been overwhelming but for one little trifle which logicians have classed among beggars by calling it "begging the question"—to-wit: "Our National Government being a Nation." It is a pity that a little thing like that should be allowed to spoil such a magnificent cerebral structure, and it built, too, by the greatest man (up North) of all the ages.

We have here the sophism on which all Nationalists defend that brutal, lawless war—to-wit: that "the federal government was a Nation" and was in authority over all the States. Webster did not so contend, but he sowed the seed that bore that poisonous, deadly, fruit. In the same paragraph Lincoln says: "Continue to execute all the express provisions of our National Constitution and the Union will endure forever—it being impossible to destroy it, except by some action not provided for in the instrument itself."

Nothing built by man can endure forever. But if the Puritan fanatics had obeyed "the express provisions of the Constitution;" had not stolen slaves—property guaranteed by the Constitution; had not incited the slaves to insurrection; if the legislators of eleven States had not committed treason by passing statutes to defy the fugitive slave laws; had not deified John Brown for invading Virginia to aid slaves to murder their masters; and had not, otherwise, made life in the Union unendurable, the eleven States would not have seceded, and the Union would have endured, perhaps, fifty years longer.

But, says Lincoln, "the Union, by Universal Law and the Constitution,—is perpetual—it being impossible to destroy it except by some action not provided for in the instrument itself." Lincoln had one quality that helps any man to succeed—confidence in himself. He "speaks as one having authority." A man with less assurance would have omitted the word "not" before the word "provided." In the debate with Calhoun, Webster admitted that three-fourths of the States, acting by authority of the Constitution to amend it, might repeal it. Webster then proceeded to show why they would not destroy it—not to show they could not destroy it. But Lincoln was and is a far greater man up North than Webster; while, down South, although we are not quite such "traitors" as to say out loud—"Hyperion to a Satyr," we can not help being, in leisure moments, somewhat classical in our reminiscences. Lincoln had not the shadow of a doubt of the perpetuity of the Union. He announces that the States in the Southern Confederacy were never out of the Union, "because it is perpetual." The South, after Secession, never contended that there was not a Union. The federal government was left intact in every Department.

The only change caused by Secession was in the number of States. In that view, Lincoln's assertion of perpetuity is correct—that is, in theory. To prove that the Union is perpetual he calls down from the stand his veiled, nebulous, amorphous witness, "Universal Law," and as he found his second witness, "the Constitution"—whose statement no man would doubt—was deaf and dumb, he introduced four other "reliable" witnesses whose age alone evoked veneration, but who (except the last) were not present when the Constitution was made, and knew nothing about it. The first is "The Articles of Association" (1774); the second was "The Declaration of Independence" (1776); the third was "The Articles of Confederation" (1777); and the fourth the Preamble to the Constitution—Webster's main witness in 1833. The last should have been ruled out on the ground of being a "professional witness"—always on the side of despotism. I quote Lincoln's own words:

"Descending from these general principles, we find the proposition that, in legal contemplation the Union is perpetual, confirmed by the history of the Union itself. The Union is much older than the Constitution. It was formed, in fact, by the Articles of Association in 1774. It was matured and continued in the Declaration of Independence in 1776. It was further matured, and the faith of all the then thirteen States expressly plighted and engaged that it should be perpetual, by the Articles of Confederation, in 1777; and, finally, in 1787, one of the declared objects for ordaining and establishing the Constitution was 'to form a more perfect Union.' But if destruction of the Union by one, or by a part only, of the States, be lawfully possible, the Union is less perfect than before, the Constitution having lost the vital element of perpetuity. It follows, from these views, that no State, upon its own mere motion, can lawfully get out of the Union; that Resolves and Ordinances to that effect, are legally void; and that acts of violence within any State, or States, against the authority of the United States, are insurrectionary, or revolutionary, according to circumstances."

To discuss seriously these "propositions" of Lincoln suggests criticism of the action of country boys riding corn-stalk horses around the ring after the circus is gone, or of a novice, who, while lecturing, experiments with hydrogen and oxygen

to show how they make a union, and gets his head blown off. But to business: The Articles of Association made by the colonies in 1774 make one of the four links in Lincoln's chain of evidence to prove that the Union of the thirteen States—sovereigns each and all—is perpetual,—cannot lawfully be broken up or dissolved for any reason or cause, except by unanimous agreement of all the States. "Therefore" if twelve States in 1789 had agreed to tear up the Constitution, and Rhode Island had said "No;" little Rhode Island would have been Empress of the United States.

Lincoln says: "The Union was matured and continued in the Declaration of Independence in 1776." If the Union was "matured" why did those meddling numskulls, Washington, Hamilton, Jefferson, Adams, Madison and others, keep on tinkering at it—fooling with it—especially as they had continued it "forever" after its "maturity?" Could not those old pundits tell the difference between the egg they had been "setting on" for two years and the chick after it was hatched? Why did they continue to "set" from 1776 to 1787? What a pity that Lincoln was born too late. Had he come sailing along in 1778 loaded to the gunwales with his universal knowledge of "Universal Law," he would have told those fool "setters" to get off the nest, or they'd "set" themselves to death—as the chicken had been hatched two years ago and had been in business at least a year.

It is in order to cross examine these two witnesses, as Lincoln does not let us know what they testify. He made an ex parte —"within chambers"—examination, and then takes the stand and testified to what he understood his witnesses to say. In other words, he acts as examiner and then "enters up judgment," and on that decision he proceeded to shoot down a half million American citizens—sparing neither age nor sex. It must be borne in mind that we now enter upon an examination of the law established by and binding on the thirteen States when they formed the Union. I have quoted from Lincoln's Inaugural his entire argument to prove the States intended the Union to be "perpetual"—"exist forever—and, therefore, no State can secede." From that fact (perpetuity) he deduces

a number of corollaries which, in his judgment, necessarily follow, such as:—

First: "Plainly, the central idea of Secession is the essence of anarchy." "I therefore consider, in view of the Constitution and the laws, that the Union is unbroken,"—all which have no probative value on the main question, because they are only sound after the fundamental question of perpetuity shall have been settled beyond any doubt. Should he fail to establish his first proposition, then another corollary not among his must follow, and that is—he must lie "forever" in the tomb, constructed by History, with Tamerlane, Genghis Kahn, Julius Cæsar, and the Duke of Alva.

Second: "The caption of the Declaration of Independence is evidence, if not proof, of the perpetuity of the Union!" The Declaration was made "by the Representatives of the United States of America in Congress assembled," July 4th, 1776. After a few words preliminary, it says: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable Rights; that among these (rights) are life, Liberty and the pursuit of Happiness." Do these truths tend to prove perpetuity of the Union? Admit that the caption above be true—that the States were then united and were in a Congress assembled—does it prove that there was a perpetual Union between the States? The writing that united the States is the best and, indeed, the only evidence of what they agreed on. That writing Lincoln does not produce. But, so far, the Declaration is a bad witness for Lincoln, who, as plaintiff, must prove his case. The quotation—"We hold these truths," et cetera, states exactly the inalienable rights of every human being in a state of nature, and of the hundred or more writers declaring what are the Laws of Nations, every one, without variance of a word, declares that the Law of Nations is founded on the law of Nature, and that every Nation is sovereign, free and independent; that among their rights are "life, liberty and the pursuit of happiness;" that every State is a complete Nation; their powers, rights, privileges and immunities are "inalienable, immutable and indivisible." So that, even if the caption is proof of a Union of the States, it was a Union of sovereign,

free and independent, each vested before the Union with powers, rights, privileges and immunities "inalienable, immutable and indivisible." Lincoln ought to have "coached" that witness before he put it on the stand, or, rather, he should not have examined his witness behind a door, in the dark, then told it to go so far a subpoena could not reach it, and then have come into court and testified as true what his witness refused to say!

One of Lincoln's proofs of perpetuity of the Union is this: "It is safe to assert that no **Government proper** ever had a provision in its organic law for its own termination." Here is a jumble of words and a juggle with words such as Webster used when speaking of the Constitution and the government, the States and the Union, as convertible terms. "No Government proper" * * * "in its organic law." What does he mean? In one sense he is correct, in another he is trying "to fool all the people all the time." If he speaks of the federal government (and evidently he does) he names one that is not a "government proper;" he assumes as true the thing he is trying to prove. In 1789 it was appointed the representative, the agent, of thirteen Governments proper, or sovereign States. If he had declared that no State, no Nation, ever provided for its termination, he would have told the truth. For no Sovereign, such as is a State, or Nation, was ever organized with a view to its own destruction, late or soon. To avoid description of a State or Nation he substituted "government proper" (borrowed from Webster) "to fool all the people," and applied that phrase to the federal government which was organized under the Constitution—that "organic law" which provides in express terms that three-fourths of the States can amend (not alone as Taft would amend or revise the tariff law by piling on), but by adding to, taking from, or even withdrawing from its agent all powers "delegated" to it by its written authority to act for its principals—the sovereign States.

We continue the cross-examination of the hearsay evidence of the witness that Lincoln swore to as true. The remainder of the Declaration, down to the last paragraph, is an indictment containing about fifty counts against King George III. In

conclusion it reads: "The Representatives of the United States of America in General Congress assembled * * * by authority of the good people of these Colonies solemnly publish and declare that these United Colonies (not States) are and of right ought to be free and independent States * * *; and that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do."

This witness gets worse. It did not hear Lincoln's hearsay testimony. It blurts out, without any respect for the Abolitionists' President, and calls his United States "United Colonies"—and says they are and ought to be free and independent States, and that they have full power—as United States? No; but as independent States, to levy war, conclude peace, contract alliances, establish commerce, **and to do all other acts and things which independent States may of right do.** This document was intended to be what it is called—a Declaration of Independence of Great Britain, but it testifies to facts that explode Lincoln's "Union that is much older than the Constitution." First, that United Colonies made that Declaration. There were no States in a Union! or those Representatives did not know it. The "Caption" that reads "United States" is no part of the Declaration. Webster tried to make the preamble a part of the Constitution, when he fled and took sanctuary in the preamble to escape the blows Calhoun showered on his head with the Law of Nations. Lincoln here attempts the same trick. Both failed, and yet both "fooled the people." Webster, unintentionally, raised a mob made up of Abolitionists, Freesoilers, negro-thieves, fanatics, sans-culottes; men with rabies—caused by even the mention of "Constitution," and unsexed women,—which Lincoln in 1860 led to victory at the polls, and to destruction of the Republic by war.

A few words more on the Declaration as evidence of "The Union older than the Constitution." It says,—"and to do all other acts and things which Free and Independent States can of right do." Was that said of States united under a compact? No! It means that "each State, as a Nation "can of right do." Under the Constitution, each State has delegated to its com-

mon agent the exercise of its natural right "to levy War, conclude Peace, contract Alliances, and establish Commerce," but these acts are a small part of "all the acts" and things a State or Nation can do, and not one of which can the States united do. A State holds the franchise, regulates the conduct of citizens, marriage, divorce, adjudicates titles to land, establishes police regulations, schools, municipalities, and a thousand other acts which the United States cannot do. It is clear that the words, "and to do all other acts and things which Independent States can of right do," were spoken of a sovereign untrammeled by alliance in any form with one or more other sovereigns. Thus, the Declaration, when given free speech and allowed to speak for itself, turns against the party who perverted its meaning, and gives positive evidence against "the Union older than the Constitution."

The third witness is "The Articles of Confederation in 1778." If Lincoln had started with these Articles as Webster did, instead of harking back to 1774 for "the Association," and to 1776 for the Declaration of Independence, his case would not be so utterly bottomless. For those Articles of Confederation say the Union established by them "shall be perpetual." But Article I call the Union a **confederation**, and Article II is as follows: "Each State retains its sovereignty, freedom and independence; and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled." Note the fact that a Congress of delegates was to exercise all the powers delegated. There was no President—no Senate—no Judiciary provided for. The fourth witness is: "To form a more perfect Union." One said it should be perpetual. The Constitution omits that. One said no alterations could be made unless all the legislatures agreed, etc., etc.

Article III reads: "The said States (still colonies) hereby severally enter into a firm **league of friendship** with each other for their common defense, the security of their liberties * * * binding themselves to assist each other against all force offered * * * on account of religion, **sovereignty**, trade," etc.

Article V "For the more convenient management of the general interests of the United States, delegates shall be annually appointed by each State every year, with a power re-

served to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year." Here is the modern doctrine of "Recall"—134 years ago.

Article XIII, referring to all the Articles, reads: "Nor shall any alteration at any time hereafter be made in any of them unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State."

This evidence is to show, first, that the colonies formed a Confederation and styled it "The United States of America" (Article I); second, that they said the confederacy should be perpetual; third, that each State remained sovereign, free and independent (Article II); fourth, that the confederacy was only "**a league of friendship**" (Article III). The delegates intended this agreement to continue forever—as they say "perpetual" four times. Of what probative value is this evidence to establish the two propositions that "The Union of 1787 is much older than the Constitution, and is perpetual?"

Lincoln asserts that there were three Unions before The Union—(the Declaration of Independence being one Union) and, therefore, they must be a part of, or links in, a chain that ends in the Union of 1787, and as one (the Confederation) contains the word "perpetual," therefore, the last link in the chain forged in 1787 (The Union) must be perpetual.

CHAPTER XLVI.

LINCOLN'S LEARNING AS A LAWYER TESTED—HIS CONTRADICTORY POSITIONS.

Lincoln's admirers—indeed, worshipers—proclaim that he was a great lawyer, and, as a statesman—a perfect wonder. If he was, he knew all the rules that every court in England has held to be inviolable when used in construing instruments in writing of every kind, ranging from commercial contracts, deeds, wills, conventions, compacts, up to treaties. If he was a great lawyer he knew "the Law of Nations," and, of course, the powers, exemptions, rights, etc., of a Sovereign. If he was not a passably good lawyer, we can understand why he asserted the two propositions quoted in the preceding chapter, to be true. If he was, however, a great lawyer, he was not sincere, not honest in an assertion that is denied by the uniform decisions of all courts in England for a thousand years, and by every American court since 1800, and by "the Law of Nations." Let us test his learning—to decide whether he knew the plainest rules for construing written instruments, and we can then judge whether he was a great lawyer, or, like Webster, had silenced conscience to play traitor to Truth. Worshipers may adore, sycophants may flatter, scribblers may seek honor and glory by basting their names to his—all may rank him above Augustine, Marcus Aurelius, Washington and Jefferson, but they cannot by vain words smother the light of Truth—for "the eternal years of God are hers."

If Lincoln was asserting that the Union of 1787 was older than the Constitution because one, or two, or more Unions had preceded it, he was asserting that which would upset and reverse all rules for construing not only all legal documents but all writings of every kind. If he used the historical fact that two Unions had been formed before the Union of 1787, to prove that the last Union was and is perpetual, because that word is in the first and not in the second of the two preceding Unions,

he was either ignorant of not only the civil law but of the Law of Nations, or he was dishonest to the length of playing his ambition and safety against the life of the Republic. Let us assume he was honest, and test his knowledge of law.

Chief Justice Eyre, in the great case of Marryatt v. Wilson, having before him the treaty between England and the United States, which he had to construe, stated the rules to be applied in these words: "We are to construe this treaty as we would construe any other instrument, public or private; we are to collect from the nature of the subject, from the words and the context, the true intent and meaning of the contracting parties, whether they be A and B or happen to be two independent States." See 1st Bosanguet and Puller, pages 436-439; also the United States vs. Arredondo et al, 6 Peters' S. C. Rep. 610. These decisions announced no new law. It was then venerable from age, and it was in and controling the thirteen colonies, and was law in 1787, and was law when Lincoln reached out over the Universe and dragged in that nebulous "Universal Law," and the Declaration of Independence and the "Articles of Association" and of the "Confederation," to find what the Constitution means.

One of the "perpetual" rules is, that any writing that contains no ambiguous word, phrase, or sentence, must be construed by its own language. In terms of the law—"it speaks for itself, and no other shall speak for it." No man has ever lived who was demagogue enough to suggest any ambiguity in the Constitution of 1787. Another "perpetual" rule, based on the foregoing rule is, that no word shall be imported from any source to interpret any writing in which there is no ambiguity. Another rule is, that no Judge shall ever permit any construction of an unambiguous writing that gives to it a meaning different from that clearly set forth by the parties who made it. Another rule is, that Courts will never change a contract, however burdensome it may be to one of the parties who made it. Another rule is, that a writing without ambiguity must be construed to contain no more and no less than the parties who made it intended to say and to be bound by. Other rules established by the highest authority known among men—Sovereign Nations and States—will be given when we take up another contention of Lincoln.

The absurdity of citing the Declaration of Independence as one of four Unions between the States has already been shown in part. In 1776 the war was on. The thirteen separate colonies had united their troops under Washington to conquer the British armies. They sought aid from France, and would accept it from any nation, and to get aid they decided to tell the world their cause was just, by stating the tyranny of Great Britain. After framing their indictment, they declared that they, therefore, "ought to be free" and asserted that they were "free and independent States"—and not one State, or Nation. Lincoln declared that action formed a Union. Not a paragraph, or line, or word, stating the terms to bind them—not the shadow of any form of government—nothing agreed on—nothing even proposed—but, nevertheless, Lincoln says they formed a Union "older than the Constitution."

By the same logic (?) if, in his rail-splitting days, bears had invaded the sheepfolds and piggeries of himself and neighbors, and they had agreed to make common cause against the whole Bruin race; and after they had gathered together, duly armed with flintlocks, cob-pipes and pikes, Lincoln had mounted a stump, or rail-pile, and proceeded to indict the entire Bruin nation, including all cubs, and had set out in forty counts the barbarities, the cruelties, the lawlessness, the injustice, of their neighbors in the swamps, who sneak forth at dead of night, "when slumber's chain had bound him," and against all civilized warfare, and against "Universal Law" and the Laws of Nations, had chawed up his fattest pigs and his innocent lambs, including Mary's; had turned over the wash-tub and splashed soap-suds in Towser's one eye, and put him out of the fight, had made a Rump-Parliament of old Brindle by biting off her tail, and the neighbors had then Resolved that they had the right to be free men and by the holy Hocus-Pocus they were free and independent sovereigns—right there and then one of Lincoln's perpetual Unions would have been formed.

Because the words "the Union shall be perpetual" are in the "Confederation," Lincoln draws the conclusion that the Union of 1787 is perpetual. To get this end he over-rides two of the plainest and orthodox rules for construing all writings. He selects one word from a former contract between the same parties, and attempts to graft it on another contract between

them made nine years later. This no law known to civilized man permits. His attempt is as odious to the Law, to conscience, and to all just men as is an ex post facto law—such as the Puritans practiced on Quakers by making laws after arrest to cover the offense charged.

But, if it were possible for any rough-riding over civil law to be worse, he, next, surpasses that defence of law. That is, he attempts to incorporate a word in the contract, or compact, between the States, that would make the Union indissoluble except by successful revolution—thus adding to the contract another Article, or paragraph of which the States made no mention. Two odious vices are covered up in this insidious desperate effort to justify the war he intended to begin. The first is his attempt to make the States agree to a fact—a condition—they omitted to mention, or hint at; and the second is, by that word to change a Republic made by thirteen States, into a Nation—a consolidated Nation—in which the federal government would be the Nation, and the States would be reduced to dependencies, forever bound to it whatever might be its tyrannies, and whatever might be the injustice and oppression, not only done by the federal government, and by a combination of States against other States, but also by lawless citizens of certain States to citizens of one or more other States by acts over which the head Nation at Washington could not take jurisdiction for prevention, or redress. Those wrongs that could thus be done and were done will be presented in the Chapter on Secession.

Lincoln assumes that as the word "perpetual" was in the Article of Confederation four times, it was omitted from the Constitution by oversight of the deputies, and by the States in sovereign convention that adopted it. It was not possible by law to get that word in the Constitution in any other way. He says it is there by implication. If the Constitution could not be made effective without the word "perpeual," the courts might hold that as the Colonies were so emphatic for perpetuity as to say "perpetual" four times, it would not be a stretch of authority in order to save the Constitution from failure, to construe it as Lincoln contended. But, as the Constitution is considered as the nearest to perfection of all man's works, it is idle to dwell

on the hypothesis of oversight. Still, let us see whether there is any possible reason to imagine that the delegates of 1787 had in mind the word perpetual or its equivalent.

The Confederation was formed in 1777, during the war of the Revolution. There were no States. There were thirteen Colonies fighting for life. Technically every soldier was a traitor. The Colonies assumed the title of States, but they knew they were not—and could not be unless they whipped Great Britain. The pall of doubt covered the land. The leaders fought with ropes around their necks—Washington the first to hang, if defeated. He was complaining at the conduct of some of the Colonies. He wanted men and money. There was no head—no organization. Patriotism was his main support. The story has been rehearsed a thousand times. Under that condition the Colonies sent delegates to Philadelphia to form a government. They were novices at that work. They committed plenary power to a Congress. It was Executive, Legislative, and, in some respects, Judicial. Their work was botched, as events proved. As they were doubtful of the result of the war, some feared defection. The New England colonies were coquetting with the British—Washington complained that some were trading with the enemy. Two counties, Worcester and Hampshire, send deputies to Sir Guy Carlton, British General, to know on what terms Great Britain would receive them. The delegates felt much as men besieged, fearing that some would desert to the foe. Therefore they tried to bind every man to stand fast, and, hence, they said this agreement is "a **league of friendship with each other** for their common defense, the security of their liberties, binding themselves to assist each other against all force, or attacks made on them, or any of them," etc. etc. And they kept saying this league "must be perpetual." Why say that four times? There is no other reason than trepidation. And the Colonies readily adopted the "league of friendship." It is needless to say, this league proved to be of little use to the Colonies.

In 1787—what a change! The Colonies had ripened into thirteen States—each a sovereign—as much as Great Britain. The league wagged along—each State attending to its own affairs. International complications arose. Statesmen saw

that the league was impotent, and that another form of government had to be organized, to get rid of that stupid Confederation. It is a significant fact that of the delegates sent by the States to form a Constitution in 1787, but three of the forty-eight sent to form the Confederation in 1777—only nine years before—were included. Why? Because new ideas of government had been matured. The States being sovereign the statesmen wanted a government founded on principles of sovereignty, and the State sent deputies to Philadelphia who knew the Law that governs Nations, and, of course, the powers, rights, etc., of a Nation. Those statemen knew that **Nations never enter into a compact, or treaty** that contains a stipulation that they shall be bound together forever. Such a bargain is not made except when some very weak nation surrenders itself to the control of a strong neighboring nation for protection, and it, thereby, loses its position of a sovereign.

For this reason, and others of prudence on the part of some of the States, taught by the conduct of other States while colonies and after independence, the "perpetual" clause in the Confederation found no favor. The latter had this provision: "Nor shall any alteration at any time hereafter (i. e. in the "forever") be made in any of these (the Articles) unless such alteration be agreed to in a Congress of the United States **(colonies then)**, and be afterwards confirmed by the **legislature** of each State." The sovereign States in 1787 said the Constitution can be amended by addition, or subtraction, without limit, at any time, at the will of three-fourths of the States. These two clauses illustrate the difference between the ideas of government as expressed by timid colonies struggling for liberty and life, and by sovereign States that knew their powers and rights, and that they could not, if they would, grant even one of them, without destroying their sovereignty.

It will be edifying to make a record just here of the different positions taken by Lincoln during that undefined contest between the Southern Confederacy and the combined Northern States during the four years ending in 1865. By so doing we get a good view of Lincoln's ignorance of law. We also get further insight into his lawlessness. We have seen his persistent endeavor to protect his name and fame by insisting that he

was only trying to enforce the laws of Congress in the Southern States. He called the soldiers of the South "**insurgents.**" He said they were in "rebellion," and his only purpose was to suppress the "rebellion." He proclaimed that he was trying to support and defend the Constitution. In both cases—that is, in suppressing an "insurrection" and supporting the Constitution, he was acting only as President. There was no war! No! indeed! If there had been a war, he would have been "Commander-in-chief of the armies and the Navy." No State was out of the Union—that was impossible! Therefore, he was not waging War.

Now let's take another view of this law-abiding patriot, this learned lawyer and wonderful statesman. We have seen that in May, 1862, the officers and crew of a Confederate privateer captured by a federal blockader were "pirates" and Lincoln was about to hang them, but some British statesmen and lawyers taught him some law—that those men were not pirates. He thus learned the difference between pirates and belligerents.

Again: In September, 1862, he issued his Emancipation bull. He was not in a war! He was only trying to compel some "insurgents" to obey the laws. He had said a hundred times that Congress had no power to interfere with slavery. Where did he get that power? Every power he could exercise was given by the Constitution. And the assumption of any other power was rank usurpation and the act of a tyrant—a despot. Yet, he was not making war—he was upholding the Constitution.

Again: He was not making war, but, eight days before he issued the Emancipation bull, in open violation of the Constitution, he said to a delegation of preachers from Chicago who called on him to urge him to issue that Emancipation bull:

"Understand, I raise no objection against it on legal or constitutional grounds, for, as Commander-in-Chief of the army and navy in time of war, I suppose I have a right to take any measure which may best subdue the **Enemy**! I view this matter (the Proclamation of Emancipation) as a practical **war** measure!" This lawyer and statesman who swore a few months before to support the Constitution, has now discovered

that he was Commander-in-Chief of an army and navy, actually engaged in a **War!** More than that his "Insurgents" had grown to be "the Enemy." Who and what is "the enemy?" Vattel and other publicists tell us—"The enemy is he with whom a **nation** is at open war. A public enemy forms claims against us, or rejects ours, and maintains his real or pretended rights by force of arms." Lincoln had passed the duty of supporting the Constitution. No "legal or constitutional ground" bothered him. He was engaged in a big **war,** and, therefore, he "supposed" he had the right, not as President enforcing the laws on "insurgents," but as Commander-in-Chief of millions of men engaged in a terrible war with an "Enemy," to take any measure that might best aid to conquer the Enemy!"

Again: In 1863, some "Unconditional Union" men in Illinois invited Lincoln, through their spokesman, J. C. Conkling, to attend a mass meeting in Springfield, Ill. In his long letter to Conkling, who had told Lincoln his Emancipation Proclamation was unconstitutional, he used these words: "You say it is unconstitutional. I think differently. I thing the Constitution invests its Commander-in-chief with the **law of war in time of war.** The most that can be said, if so much, is that slaves are property. Is there—has there ever been—any question that by the **law of war,** property both of enemies and friends may be taken when needed? And is it not needed wherever taking it helps us, or hurts the **enemy?** Armies, the world over, destroy enemies' property when they cannot use it. Civilized belligerents do all in their power to help themselves, or hurt the **enemy,** except a few things regarded as barbarous or cruel. Among the exceptions are the massacre of vanquished foes and non-combatants, male and female." He then, in a letter of near five octavo pages, proceeds to talk of the "rebellion"—"the rebels"—and says—"The emancipation policy and the use of the colored troops constituted the heaviest blow yet dealt to the **Rebellion,** and one at least of these important successes could not have been achieved where it was, but for the aid of black soldiers."

First, there is nothing but an "insurrection;" then, that swells into a rebellion; and this grows to be a **war.** Second, he, as President, must obey the Constitution by enforcing the laws

to collect customs and duties in the Southern ports. But he finds there is an "insurrection" in the way. He organizes a police force of 117,000 men to assist the U. S. marshals to collect the duties. He then discovers that "rebellion" is going on. Then, his "pirates" rise to the dignity of "belligerents." Next, the belligerents are discovered to be a **"public enemy"** and the "rebellion" has swollen until it explodes into a **War.** He then resorts to the rules under which "civilized belligerents" (that is, nations) conduct war—one of which is the right to destroy the Enemy's property.

He denied in the debate with Douglas that one man, under God's law, could hold another man as property, but to hurt the **Enemy,** he now discovers that the slaves in the South are property. So, in order "to hurt the Enemy" he resorts to the law of war between Nations, to destroy the enemy's property, which he proceeds to destroy by making them soldiers to shoot down their masters—the Enemy. And he finds his power and right to destroy this class of property in the Constitution, which he often declared gave no power to Congress nor to the President to free the slaves. In his first Inaugural, speaking to the South, he said: "In your hands, my dissatisfied fellow-countrymen, and not in mine, is the momentous issue of **Civil War.**" So that, by his own declaration, if Secession was effected, or, as he would say, was attempted, there would be "Civil War," and he, of course, would be the aggressor.

But, in fact and under the Law of Nations, that butchery was not a civil war, nor a rebellion, nor an insurrection. It was a war between the free States and the slave States; between eleven nations in confederation and twenty-two other nations in confederation. This has no bearing on the absurdities and contradictions by Lincoln; but it is stated in answer to his own statement that the contest was a "Civil War." We are considering his attempt to shield himself by calling the war an insurrection, or rebellion, and we accept his contention to show his infamy and brutality in the methods he adopted to suppress an "insurrection."

CHAPTER XLVII.

THE LATIN MAXIM, "FACIT PER ALIUM FACIT PER SE," APPLIED TO LINCOLN.

Among the many good qualities Lincoln's worshipers, through post-mortem examination, have discovered is his heart, which they epitomise under the endearing salutation to his shades of "Honest Old Abe."-Another quality—of his head—was overlooked by the sympathetic autopsists. It is his skill as a thimble-rigger. The writer claims no credit for the discovery, for it lies on the surface of the current of his life and can be seen by all except the blind. When Lincoln started into Virginia with his Grand Army of the Republic, the ball under the thimble was marked "Insurrection." When he decided to issue his Emancipation Proclamation, he lifted the thimble and the same ball was labelled "War." When he invaded Virginia, the ball under the thimble had on it—"only doing my duty to enforce the laws," but when he lifted the thimble the identical ball read—"I am waging war under the rules of war that govern Nations." When he decided to issue his Proclamation the ball under his thimble was inscribed—"Nations at war have the right to destroy the enemy's property," but when he raised the thimble there stood the destroyed property in blue uniforms, with guns, ammunition and haversacks, ready to kill their masters—"the enemy." No wonder is it that throughout the war he was cursed and damned by even his backers—the Abolutionists! As he protested in all his writings, speeches, and talks during the four years, that he was only "suppressing an insurrection," we shall get a clear view of his humanity, justice, sincerity and knowledge of law, by a brief review of his methods of effecting his purpose.

It is one of the Laws of Nations that the head of an army, whether King, Emperor or President of a republic, is responsible for what his subordinate officers do in the prosecution of a war. The latin maxim—facit per alium facit per se,—what

one does through another, he himself does—applies to the commander-in-chief of an army. Hence the acts of Lincoln's Generals were in law his own. An instance is found during Lincoln's "insurrection" that proves his recognition of that law. His Major General, David Hunter, whose military department embraced Georgia, South Carolina and Florida, issued a General Order, May 9th, 1862, at Hilton Head, S. C., declaring all slaves in those three States to be "forever free." Lincoln, not approving the Order, two days thereafter revoked it. Officers in the field promptly reported their action to the Adjutant General in Washington, and Lincoln knew all that was transpiring.

Just here I insert a communication from Gen. Robert E. Lee that serves several purposes. It shows, first, Lincoln's inhumanity and brutal method of "putting down a little insurrection," as he expressed himself to the European Powers; second, his total disregard of human life and property-rights of all people of the South; third, his ignorance or contempt for the Laws of Nations, and, fourth, it illumines with the brightest light of the noon-day sun the impassable gulf between the Cavalier and the Puritan; it shows the chasm between the civilization of the South and that of the North; it is a sermon on the immeasurable difference between the exalting power of Christianity and brutal paganism; it is the living breath of Honor, Justice and Mercy, rebuking the despot, arrogant and brutal in his confidence of victory based on largely superior numbers. Finally, it will stand as a monument to Lee and his Saxon heroes when, on the ruins of the marble memorials to Lincoln, owls shall hoot to the surrounding desolation and bats shall hold their trystings in the crannies of the mausoleum of Grant.

"Headquarters Army of the Confederate States,

"Near Richmond, Virginia, August 2, 1862.

"To the General Commanding United States Army, Washington:

"General—In obedience to the order of his Excellency, the President of the Confederate States, I have the honor to make to you the following communication:

"On the 22d of July last a cartel for a general exchange of prisoners of war was signed by Major General John A. Dix,

on behalf of the United States, and by Major General D. H. Hill, on the part of this Government. By the terms of that cartel it is stipulated that all prisoners of war hereafter taken shall be discharged on parole until exchanged.

"Scarcely had the cartel been signed when the military authorities of the United States commenced a practice changing the character of the war from such as becomes civilized nations, into a campaign of indiscriminate robbery and murder.

"A general order, issued by the Secretary of War of the United States, in the city of Washington, on the very day that the cartel was signed in Virginia, directs the military commander of the United States to take the property of our people, for the convenience and use of the navy, without compensation.

"A general order, issued by Major General Pope, on the 23d of July last, the day after the date of the cartel, directs the murder of our peaceful citizens as spies, if found quietly tilling their farms in his rear, even outside of his lines.

"And one of his Brigadier Generals, Steinwehr, has seized innocent and peaceful inhabitants to be held as hostages, to the end that they may be murdered in cold blood if any of his soldiers are killed by some unkown persons, whom he designated as 'bushwhackers.'

"Some of the military authorities of the United States seem to suppose that their end will be better attained by a savage war, in which no quarter is to be given, and no age or sex to be spared, than by such hostilities as are alone recognized to be lawful in modern times. We find ourselves driven by our enemies, by steady progress, towards a practice which we abhor, and which we are vainly struggling to avoid.

"Under these circumstances this Government has issued the accompanying general order, which I am directed by the President to transmit to you, recognizing Major General Pope and his commissioned officers to be in a position which they have chosen for themselves—that of robbers and murderers, and not that of public enemies, entitled, if captured, to be treated as prisoners of war.

"The President also instructs me to inform you that we renounce our right of retaliation on the innocent, and will continue to treat the private enlisted soldiers of General Pope's army as prisoners of war; but if, after notice to your government that we confine repressive measures to the punishment of commissioned officers, who are willing participants in these crimes, the savage practices threatened in the orders alluded to be persisted in, we shall reluctantly be forced to the last resort of accepting the war on the terms chosen by our enemies, until the voice of an outraged humanity shall compel a respect for the recognized usages of war.

"While the President considered that the facts referred to would justify a refusal on our part to execute the cartel, by which we have agreed to liberate an excess of prisoners of war in our hands, a sacred regard for plighted faith, which shrinks from the semblance of breaking a promise, precludes a resort to such an extremity. Nor is it his desire to extend to any other forces of the United States the punishment merited by General Pope and such commissioned officers as choose to participate in the execution of his infamous orders.

'I have the honor to be, very respectfully, your obedient servant,

"R. E. Lee, General Commanding."

Note the fact that Gen. Pope's order was issued by Lincoln's Secretary of War. Can any one believe that the Secretary issued that without Lincoln's permission? Is any man such a fool as to assume authority to issue such an order without the knowledge of his superior officer—Lincoln? The man who believes he did, knows less of war than an ant. By the Law of Nations, no sovereign ever takes the property of his own subjects not engaged in rebellion without paying for it, or giving a receipt to be redeemed after he quells the rebellion. When he refuses to pay he is classed as a highway robber. Here, Lincoln ordered Pope to rob the people of the South. He said—"take, but don't pay!"

Again: No sovereign who is not a tyrant, and at heart a murderer, ever kills a subject not in arms against him. But Lincoln ordered Pope to kill any and all citizens of the Southern States who might be within his military lines. He

must shoot them as "spies"—without trial, without arrest—without asking a question! There is nothing in the history of wars within the past three hundred years, or since the Duke of Alva desolated the Netherlands, that parallels this Order of Lincoln to murder all men only because they did not abandon homes, wives and children, and fly before his advancing butchers. The arrest at his home of the Duc d'Enghien by order of Napoleon, the mock trial by court-martial, his predetermined conviction in order to strike terror into the hearts of assassins of whom Enghein was only suspected as one, the denial of religious consolation by a priest, and his execution by torch-light the next morning, wear some features of law. Still, this order of Napoleon is a blood-stain on his glory that Time can never efface. But this order of Lincoln overlays immeasurably the horror of that of Napoleon. The man and the spot where he might be seen dispensed with arrest, trial and proof of guilt. Lincoln's order was his death warrant, and every white or black vagabond clothed in blue was commissioned to murder him. Is other proof required of the demoniac purpose of Lincoln in precipitating the war without convening Congress; of his thirst for blood, of his hatred of slave-owners? Is there a parallel, in any open war between nations, to this command to assassinate innocent citizens during an "insurrection?" If this infamous order were the only evidence of brutality, it is enough to enroll Lincoln's name with the Duke of Alva, but it is one link only in a chain that stretched, step by step, hour by hour, by night and by day, over State after State, to the City of Columbia. When Gen. Lee had to draw in his lines to defend Richmond, Phil Sheridan, under an order to make the Shenandoah Valley a wilderness, swept through it, burning dwellings, barns, mills—destroying everything that could support life. He boasted that "a crow flying over the valley would have to carry its rations."

But as it is impossible to make a record of the barbarities of three million men scattered through sixteen States during a period of nearly four years, we will conclude this view of Lincoln by reference to the "March through Georgia." Lincoln gave free rein to a General more savage than the Indian Chief whose name he bore. His Lincolnian method of "suppressing

insurrection'' was so glorious that it inflated a Northern rhymester with doggerel until it exploded into a National Hymn called ''Marching through Georgia.'' He signalized his march, first by applying the torch to Atlanta, after driving from their homes non-combatant women and children to bear the peltings of pitiless storms without shelter or food. There being no enemy between him and the sea, he must demonstrate his generalship by giving battle against something. So he deployed his troops to the right, then to the left, and by tactical flank movement he closed in on empty dwellings, negro quarters, gin houses, hen roosts, pigsties and barns, and captured them without the loss of even one of his heroes, dead or wounded, or firing a gun. But as a conquest without firing a gun is not considered as the highest proof of generalship, or heroism, some firing had to be done. So the general then celebrated his victory by firing the dwellings, the gin houses and the barns.

Now, every Northern visitor of musical proclivity knows that Southern mules are very polite and affectionate in front, and when they behold a large drove of their relations approaching they salute them with most vociferous joy. General Tecumseh, not being well acquainted with this family greeting, at once conceived the idea that the mules' exclamations, which are not so enchanting as sonorous, were disrespectful to the Flag—''Old Glory.'' Besides, he was indignant because he construed the insurgents' hee-haws to be an imitation of Lincoln's guffaws that he always gave in applause of his own stories. He therefore ordered the Corps commanded by ''Black Jack'' Logan to deploy so as to surround the ''insurgents'' and close in, with ''bayonets at charge'' and arrest them, but not to advance if ''the enemy'' turned their heels. ''Black Jack'' ordered his band to play one of Lincoln's favorite hymns, composed by himself—

''Hail Columbia, happy land,
If you aint drunk I will be damned.''

This music was rendered to soothe the savage breasts of the ''insurgents.'' The ''insurgents,'' seeing so many familiar faces advancing, and being moved by the sentiment of Old Abe's favorite song, repeated their friendly salutation and

sang bass in chorus with the band. Being thus diverted by the tactics of the enemy the capture of the "insurgents" was achieved without firing a gun. A court martial was hastily convened. The "insurgents," while accorded the right to be tried by their peers, were denied their constitutional right to be represented by counsel, and were forthwith found guilty on two charges, first of "insurgency" or "rebellion," and second, of having twice insulted the Flag, and mimicked the Commander-in-Chief of the Army and Navy. The young "insurgents" were sentenced to serve in the Artillery "for and during the insurrection," and the old "insurgents," who, the court martial assumed without proof, had at some time been sworn to support the Constitution—which of course included respect for the flag—were sentenced to be shot without benefit of clergy.

Now, it is "a Universal Law" (this is quoted from Lincoln's Inaugural, and must be accepted as good law by all law-abiding citizens) among all civilized peoples that horses, mules, cows, hogs and chickens are classed as non-combatants—roosters alone excepted. This exception is due to the fact that one of the wide variety of Abraham Lincoln's many businesses, before he became commander-in-chief of the Army and Navy of the United States of America, was cock-fighting. With that single exception in respect for his memory, his "Universal Law" we must accept as almost correct, although we are not acquainted with it. We can believe, however, that it must be immense.

Now, will the next biographer of "humble Abraham Lincoln" (as he always spoke of himself when hunting for office), tell us why he did not obey his Universal Law while "only quelling an insurrection?" Universal Law must be God's law —man cannot make "Universal Law." By what law did he draft non-combatant mules and make soldiers of them? By what law did he permit Tecumseh's officers and privates to loot and plunder every house they came to in Georgia—the officers having the first grab and the privates "confiscating" what the officers could not take away. By what law, after Tecumseh enlisted the mules and horses in the artillery and cavalry, and the cows, and hogs and chickens in his commissary department, did he shoot all old mules and horses too old

to be enlisted? Why did he deprive the old mules and horses of the bounty that was paid on enlistment, and, also, of the benefit of the next pension the Republican Congress intended to vote to them or their children, or to the next of kin? The fact that "mules have neither pride of ancestry nor hope of posterity" is no obstruction in the path of Congress to the treasury. If it should be, it will have the honorable distinction of being the first and only one.

By what law did Lincoln sweep clean the homes of widows and orphans, the stables, barns, hog-pens, henneries, smoke-houses, of every thing therein, and set the torch to every building and shed in his triumphant "March through Georgia?" Was this ruin and inhumanity perpetrated by him by right given by the laws of war as established by the Law of Nations? No! Never! He cannot blow hot and cold in the same breath. There is no chance here for thimblerigging; "out of his own mouth he shall be condemned."

> "In the corrupted currents of this world,
> Offence's gilded hand may shove by justice,
> And oft 'tis seen the wicked prize itself
> Buys out the law; but 'tis not so above:
> There is no shuffling; there the action lies
> In his true nature; and we ourselves compelled
> Even to the teeth and forehead of our faults
> To give in evidence."

Lincoln tried to perform an impossible feat. He tried to ride on both sides of a sapling at the same moment of time. He tried to ride, at the same time, two horses going in opposite directions. He tried to justify his Emancipation Proclamation by appealing to the Law of Nations which permits destruction of "the enemy's" property in time of **War.** If he was waging war, then under the Constitution he had no right to wage war against a State or States. War is a contest between different independent nations. The rules of war cannot be resorted to by a sovereign, or other ruler of a people to suppress an insurrection, or a rebellion. The rules are as different as is the difference of war between two sovereigns and any domestic uprising, whether it be sedition, insurrection or rebellion. If there was no war, Lincoln could not conduct his military opera-

tions under and according to the laws governing enemies at war. If there was war, then the Confederacy was a nation, and was no part of the Union, and he had no more right or power to invade this territory with an army than he had to invade Canada or Mexico without cause. And every man and boy killed those four years was murdered by command of Abraham Lincoln, and he stands before the courts of the world and before the Judgment Seat of God drenched in the innocent blood of a million men. If there was no war, if that struggle was only an insurrection, then he stands self-condemned as the most brutal, savage, heartless, robber of women and children that has ever robbed, stolen, and killed at the head of armies.

CHAPTER XLVIII.

THE CUNNING AND TREACHERY OF LINCOLN.

William H. Seward, Lincoln's premier, said of him—"His cunning amounts to genius." He thus assigns to his master intellectuality of a high but not enviable order, as the Bible says "the serpent is the most cunning of all beasts." Premier in position, this official is premier of all witnesses. He had dissected his subject from his early manhood to his death. No man knew Lincoln so well as this witness. Besides, Nature had endowed Seward so amply with the same low quality that his testimony has the additional value of the confession of superiority wrung from a jealous competitor. He boasted of his cunning in deceiving Jefferson Davis. (Usher's Reminiscences of Lincoln, page 80.) He deceived Virginia's Peace Commissioners by such base cunning that, on the train bearing them home with high hope was carried Lincoln's call for 75,000 troops to invade Virginia. Like master, like man. A trace of Lincoln's cunning will now be made. The reader is invited to read carefully again the evidence of Dr. Holland, one of Lincoln's admirers and eulogists, quoted on page 374.

The writer challenges the worshipers of the dead Lincoln to produce from the records of history a parallel to this description of any man, given by a multitude of unbiased friends, associates and neighbors. "The dead Lincoln" is mentioned because the living Lincoln had no worshipers, and his few admirers were the negrophilists. Is this testimony of "a cloud of witnesses," disinterested and unimpeachable, to be ignored —to be denounced as false—unworthy of belief? Yes—fanatics are not to be balked when they set their faces to reach a desired goal. They have swept away these witnesses as a tempest clears a path of dead leaves. And Seward, too, has been relegated to the Club of Ananias.

What man has ever worn from youth to manhood—from manhood to his death at 54 years—such a bewildering, impenetrable masque? Mephistopheles, a creature of a glowing imagination, falls short of this reality. Machiavelli, flesh and blood, did not accomplish the achievement here, by unanimous acclaim, accorded to this mortal.

But we leave these slaughtered witnesses in the ignoble oblivion to which fanaticism and hatred of the South have consigned them, and pass on to summon another class not so respectable but of undeniable veracity. Chief Justice Marshall once said to a lawyer who was insisting that a certain thing was a fact because it was stated in a statute—"Do you think an act of legislation can create or destroy a fact, or change the truth of history? Would it alter the fact if a legislature should solemnly enact that Mr. Hume never wrote the history of England? A legislature may alter a law, but no power can reverse a fact." Daniel Webster was in court and heard the colloquy.

These damnifiers to perdition of Seward, and Lincoln's friends, associates and neighbors, must meet the facts that do not, cannot lie. They may pile books over and around their idol mountain-high, but their labor to falsify history will be in vain. What follows here, expository of Lincoln's cunning, will relate only to slavery, his political schemes before election in 1860, and what he did after his election to tyrannize both the South and the North.

When a boathand he floated down to New Orleans. There he loafed several days "to see the sights." Among them was a sale of some negro slaves. He turned to his fellow boatmen, and, with all his energy of speech and gesture, swore—"if ever I get a lick at that thing, I'll hit it hard!" From that hour he was transformed into an enemy of slaveholders and of slavery. "To hit them hard" was from that day his ambition. We shall see that he never faltered, and that his cunning guided him through many devious paths to his goal. We must skip twenty years or more as uneventful in his career. But terrible commotions were over the Union, caused by the rapid growth of the Abolitionists as has already been described. He was sent to the legislature several times during that interval. His only

distinction won by that service was his bill, which was enacted, for the State of Illinois to enter upon a vast system of internal improvements that came near putting the State into bankruptcy. This is a part of his record as a statesman. If anything he was a Whig; but his political garment was like his own personal attire, that never fit well enough to exhibit fully or to conceal his natural deformities. From manhood he was ambitious—and always for political position. Herndon and Lamon—his biographers—emphasize this longing for office. In 1846 he aspired to be a member of Congress, and was elected. From that time to 1858 his gaze was always directed to some office. In 1858 he aspired to be U. S. Senator. Then followed the debates between him and Douglas—which wafted his name beyond the borders of Illinois. The Whig Party had gone to pieces in 1852. The Northern section drifted by natural affiliation into the Abolition camp. Lincoln, wary and wily, held back. That camp then was under the ban of the law-abiding. Lincoln was importuned to join it, but feared to enter. "He ran with the hare and barked with the hound." That is, he was cheek by jowl with its members, but shied at sight of their camp. During their joint debates Douglas often charged him with deceit and cunning. Northern Illinois was thoroughly tainted with abolition, while Southern Illinois was democratic. Douglas charged that Lincoln had the face of Janus. One he held to the North and the other to the South of the State. He had a different speech for each end of the State. Cunning! On a night appointed the Abolitionists were to hold a public meeting in Springfield, the capital. Lincoln was urged to attend. He agreed, but, in the afternoon he found important business in the country and fled. Cunning! In 1854 the Abolitionists were re-baptized the fourth time, and came to the surface cleansed of their sins and named Republicans. Still, Lincoln could see the same old wolf under the sheepskin that was whelped in Boston in 1832. It had grown immensely, but he doubted its longevity. The first christening still stuck to it, and Lincoln believed it might not survive that ignominy. He was a furious abolitionist in talk, but Lincoln's ambition was the governor of his acts. Cunning!

But those instances of cunning, while indicative of his nature, are of minor value compared to his action after his election as President, and to these we now turn. During the short session of Congress before he assumed control of the reins he kept daily watch over its proceedings. He was opposed to all propositions for an amicable adjustment by compromise. He telegraphed E. B. Washburne, a member from Illinois, to oppose all such offers. Any compromise would have robbed Lincoln of the opportunity to gratify his ambition to be the Great Emancipator. His administration would have been the most contemptible of any since the Union was formed. Personally he was gibed, jeered, hooted at, over the North. He was dubbed ape, gorilla, fool, gawk—by his own Party and by his party press. He would have been the butt for foreign ambassadors, for fashionable society, and of members of Congress. And his first term would have been his last. He knew this as well as he knew that if his party had believed there was reasonable hope of his election, he could not have been nominated. Cunning! On December 21st, 1860, he wrote to E. B. Washburne a letter of which the following is a copy. It was marked "confidential."

"Springfield, Dec. 21, 1860.

"Hon. E. B. Washburne.

"My dear Sir:—Last night I received your letter giving an account of your interview with Gen. Scott, for which I thank you. Please present my respects to the General and tell him confidentially I shall be obliged to him to be as well prepared as he can to either hold or retake the forts, as the case may require, at or after the inauguration.

"Yours, as ever,

"A. Lincoln."

This letter the public knew nothing of until 1885. South Carolina had seceded the day before, but no fort had been taken or occupied by her. But South Carolina, the day before (December 20th), had seceded. Does it require a seer to know what was in Lincoln's mind—what his purpose was—when he indited that letter to be held in confidence by both Washburne and Gen. Scott? "Be prepared to retake forts when I become President!" Was he such a simpleton as to believe that forts

once taken by seceded States could be retaken by the asking? If so, why instruct the General of the Army to get his forces ready—"to be prepared?" A rice-field negro in Carolina, seeing this letter, could discern behind it the tyrant—the tiger crouched for the deadly leap.

Now lay the following letter to Alexander H. Stephens by the side of the above to Washburne, and note the difference. The true Lincoln wrote to Washburne; Lincoln with his masque on—the cunning Lincoln—wrote to Stephens. But one night passed between the two utterances.

"December 22nd, 1860.

"Hon. Alexander H. Stephens,

"Crawfordville, Ga.

"Dear Sir:—Do the people of the South entertain fears that a Republican administration would directly or indirectly interfere with the slaves, or with them about their slaves? If they do, I wish to assure you, as once a friend, and still, I hope, not an enemy, that there is no cause for fear.

"Yours truly,

"A. Lincoln."

This letter, also, was to be held **confidential.** He wrote on it "for your own eye only." If his design was to make a peace-offering to the South, why put Stephens on his honor to keep the contents secret? Of what avail would be his assurance that there "is no cause for fear," if it is locked up in Stephens's breast? The cunning of the serpent, revealed by his action four months later, is read of all men. While he was arming for war, he designed to keep the South inactive and unprepared, so he could strike a decisive blow. But it may be asked—why pledge Stephens to keep his peaceable purpose secret? Therein his cunning and perfidy are shown. He knew that an open address to the people of the South would be construed by them as a trick, and his fanatical followers, who had chosen him as their leader avowedly to free the negroes would charge him with cowardice, and treason. But he knew that no man could be expected to keep secret a communication affecting the safety, or life, of the republic. He knew it would be used as he intended it should be—and hoped that its effect would allay fear and delay preparation to meet Scott's army. If published

he could defend against the fanatics by proving it was but a trick to keep the South quiet. In proof of this he would show his confidential letter to Washburne written only the day before to tell Scott to get ready for war.

The next public exhibition of cunning was in his Inaugural address, March 4th, 1861. Bearing in mind his telegram to Washburne to oppose all compromise that would give another foot of territory to slavery, and his letter telling Scott to prepare for retaking forts (which he knew meant war), we quote only a few words he addressed to the South. After saying "it is the declared purpose of the Union that it will constitutionally defend and maintain itself," he adds: "In doing so, there need be no bloodshed or violence, and there shall be none unless it is forced upon the National Authority. In your hands, my dissatisfied countrymen, and not in mine, is the momentous issue of Civil war. The Government will not assault you. You can have no conflict without being yourselves the aggressors!" (Aside: "Hurry up, Gen Scott! to retake and hold the forts!") "I am loath to close. We are not enemies, but friends. We are not enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory, stretching from every battle-field and patriot grave, to every living heart and hearthstone, all over this broad land, will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature."

There will be "no bloodshed—no civil war"—all will be lovely. But—"hurry up! Gen. Scott! and get ready for war!" "But don't you dare to say a word of my letter!"

Being installed, his Cabinet assembled—the Arch Anarchist, his premier and cunning adviser, present—orders were given to the Secretaries of War and Navy to hurry preparations for the struggle when he should give the order. From his high eminence he realized his terrible dilemma. He had been chosen by the lawless elements to ride down the Constitution—the bond of Union. He knew his band was a minority, and, as all mobs are, unpopular and impecunious. He dared not revel his purpose to demonstrate that this country must be "all free or all slave." Abolition by force would not be tolerated in the North—men and money would not support him. Hence, he

must reach his goal by circumvention. That opened a field for the exercise of his greatest endowment—cunning! And for success he had chosen one who stood but little lower than himself in the art of deception. The slogan of Freedom for the negro could rally the fanatics—who, like Falstaff's regiment, could steal a shirt from every bush as they had stolen negroes—but they were only fighters with tongue and pen, with paper bullets. He must wait until time, accident, or some move by "the enemy" should give a rallying cry.

Soon after Carolina seceded, Major Anderson—in command of Forts Moultrie and Sumter, and Castle Pinckney, had suddenly evacuated the first two—spiking the guns, burning the gun-carriages and cutting down the flag staff—and had moved the garrison into Fort Sumter, whose guns covered Charleston. Then followed an attempt to reinforce Sumter with men, arms and supplies. The vessel—"Star of the West"—sent for that purpose was fired on by Carolina troops in the abandoned forts, and returned North. These acts were done under Buchanan's administration. The shots at the United States flag flying on the "Star of the West" produced no war enthusiasm in the North. Meantime Congress was seething with propositions for a compromise to restore peace between the two sections. To be brief—all efforts at adjustment failed. Lincoln was prompting Washburne and others to vote them down.

Eight days after Lincoln's inauguration two of the Confederate Peace Commissioners—Crawford and Forsyth—having arrived in Washington, presented by letter their credentials to Lincoln's premier—Seward. Lincoln refused to see them, and turned them over to his wily adviser. He played them off. They were told—"Mr. Seward desired to avoid making any reply at that time." But he wrote a "Memorandum" as a reply, March 15th, and concealed it in his office. Then Justice Campbell of the U. S. Supreme Court appealed to Justice Nelson, a friend of Seward, to see him. Justice Nelson did so, and reported to Justice Campbell, and assured him that "Seward was strongly inclined to a peaceable arrangement." Judge Campbell then sought Seward and had an interview. The result was that he "felt entire confidence that Fort Sumter would be evacuated in ten days, and that no measure

prejudicial to the Southern Confederate States are at present contemplated." Seward was informed of the assurance having been reported by Justice Campbell to the Confederate Commissioners. This assurance was communicated to President Davis, who, relying on Seward's honor, suspended all military operations at and around Charleston. This "Memorandum" prepared by Seward on March 15th, was still sleeping quietly in its pigeon-hole. It enjoyed twenty-three days of rest before it was aroused and thrown in the face of the Peace Commissioners to explode as the opening bomb of the war. But during that ominous slumber a squadron had been fitted out secretly in New York harbor to proceed to Fort Sumter with troops, guns, ammunition and provisions as supplies for a siege. The Peace Commissioners again requested Justice Campbell to see Seward, and he renewed his ironical assurance in words that are emblazoned in history. He replied to Justice Campbell—"Faith as to Sumter fully kept—wait and see!" The next morning Justice Campbell and the Peace Commissioners read in the press that Lincoln had sent a messenger to Gov. Pickens of South Carolina that Fort Sumter would be relieved "peaceably or by force." The war fleet was then at sea on its voyage to Sumter. The "Memorandum" was then aroused from its repose of twenty-three days to do its deadly work.

Cunning? Yes—double cunning! Seward was fooling the Peacemakers at Lincoln's command, while Lincoln was fooling Seward and the country. Seward, all his biographers and eulogists say, was indifferent to Secession. He said "it was all a humbug." He said to Wm. H. Russell, war correspondent of the London Times, "I am confident there will be reaction. The seceded States will see their mistake, and one after another they will come back into the Union." How was Lincoln fooling Seward? He made Seward hold back the "Memorandum," which was to dismiss the Confederate Commissioners with contempt, while he was hurrying Welles, Secretary of the Navy, to get a fleet off to Fort Sumter. He knew Seward was not for war as the first step, and he concealed from him that his purpose was to force the Confederates to fire on "Old Glory" to give him what he needed, and without which he could not arouse the war-spirit in the North. He planned to send the

fleet because he knew it would open the war by which his life ambition to be the "Great Emancipator of the Slaves" could be realized.

That Lincoln's cunning may be clearly understood it is important to bear in mind his declarations and compare them with his acts. "There will be no civil war—no hostile invasion. I only intend to enforce the laws as I have sworn to do." His premier, at Lincoln's command, informed, by letters, the crowned heads of Europe, that the disturbance in this country was nothing more than an insurrection. Every Ruler in the Old World knew what that word means, and with their ignorance of our complex form of government, believing that our President, like themselves, was the supreme Ruler, and, as such, had authority to quell an insurrection with his army, they accepted his falsehood as truth.

Again: To avoid the Constitution, and the well known fact that the delegates who framed the Constitution voted down unanimously a proposition to give the federal government power to make war on a State, Lincoln and Seward kept on repeating the declaration, at home and abroad, that there was no war—and he was only trying to quell an insurrection. This falsehood was veiled in the hourly and unvarying use of the words "Rebel" and "Rebellion." This cunning was to inspire his soldiers with the pleasing delusion that they were the heroic patriots fighting and dying "to preserve liberty by saving the Union." As they knew nothing of the law that established immovably the relations of the States and the federal government, and had dinned into their heads that the mighty federal government was a Nation, like Great Britain, or Spain, or Russia, they had no conception that Lincoln in contemplation of law, and through hatred of the South and slavery, was using them as cut-throats and murderers, to gratify his insane ambition.

Before entering the dark and dismal labyrinth where lay shrouded from mortal ken the secret impulses of the heart of this human Sphinx, let us contemplate the panoramic scene stretching far and wide around him when, after the mockery of kissing the Book he had labored to discredit by mimicry and ridicule, and after quaffing the delicious plaudits of his

fanatical following—he, like the Turk "at midnight in his guarded tent," in the solitude of his imperial couch, was dreaming of the glory that awaited him. Then another panorama, bodied forth by an imagination of infinite sweep, rises unbidden to our vision, that, in some of its gloomy and horrid features, bears resemblance to this one of reality now before us:

"High on his seat of royal state, which far
Outshone the wealth of Ormus and of Ind,
Or where the gorgeous East, with richest hand
Showers on her Kings barbaric pearl and gold,
Satan exalted sat, by merit raised
To that bad eminence."

As comparison of small things to great, ofttimes, by contrast, enforces comprehension, just as pictures of scenes in history make more lasting impress on the mind than verbal description, we will take a glance at two colossal figures—one, the hero of a sublime Epic—of war waged in Heaven; the other, the ruling spirit in the world's most terrible tragedy; one in war celestial, the other in war terrestrial; one, a Rebel, falling from his lofty angelic station—"with ambitious aim,

"Against the throne and monarchy of God
Raised impious war in Heaven;"

The other, from man's lowest station in his fallen state, rising above the ground by capillary ascension, "with ambitious aim," against all laws of men and commands of God, raised impious war on His footstool.

One, mad by ambition, overthrown, preferred "to reign in Hell than serve in Heaven;" the other felt that "to reign is worth ambition, though in Hell!" One, Chief in command of millions of fallen angels, assaulted for destruction the battlements of Heaven; the other, Chief in command of millions of fallen, rebellious mortals, assaulted for destruction Earth's strongest Temple—the only Paradise the children of Adam and Eve have enjoyed since they fell by sin and were driven from the Garden of Eden.

CHAPTER XLIX.

LINCOLN'S DECEPTION OF THE PEOPLE NORTH AND SOUTH.

The lie so oft repeated as to be now a part of history as made by Northern writers, is, that the vessels controlled by the common agent of all the States—the federal government—which had been sent into the Southern waters, were merchant vessels. How came it that only four days after Lincoln's call for troops, he issued a proclamation to the world of the blockade of all ports in seven Southern States, and that all persons who should molest the vessels would be treated as pirates? Were they changed from merchant vessels, armed with cannon and carriage, manned and fully equipped, and at their blockade moorings, within four days—three of which were required to reach the nearest, and seven days to reach the farthest of the blockaded ports stretching from Charleston, S. C. to Galveston, Texas? Lincoln's worshipers must take one or the other horn of a dilemma here presented—either that he proclaimed a falsehood to the nations of Europe, or accept Seward's dictum of Lincoln's cunning, and, also, of his perfidy in dealing with the North as well as with the South. He was "fooling all the people" at that early stage of his Dictatorship and Despotism. The people of the North did not dream of the cunning of this victim of melancholia who had for many months been preparing for the coup de grace sprung on the North within one month after he took the oath of office to support the Constitution.

But the cunning he showed in deceiving the Confederate Commissioners and Justices Campbell and Nelson, and the Commissioners sent by Virginia, and all Europe, by his paper-blockade, was negligible in comparison with his deception of the people of the North. The history of the period between secession by South Carolina and Lincoln's inauguration proves that the controling people in the North were against war on the Confederate States. Horace Greeley, whose paper, the

Tribune, was the strongest molder of public opinion on the question of slavery, said—"Let the wayward sisters go in peace." Seward—Lincoln's mentor—said, "The Southern States will soon see their mistake and return to the Union." The most rabid fanatics on slavery had accomplished their purpose—they had gotten rid of that "twin sister of barbarism." They knew that the remaining slave-States would be compelled, for security, to follow and join the seceded States. President Buchanan, guided by the written opinion of his legal adviser, Attorney General Jeremiah S. Black, had decided that the President had no right to invade a State with a hostile army. The religious section that had fallen in behind the irreligious fanatics were appeased by ridding the Union of "the sin of slavery." The radicals who had threatened to secede and form a Northern Confederacy, had attained their aim by the secession of the slave States. The commercial interests, so potent with the purse for peace or war, were against war, especially by invasion of the South. Mass meetings were held in New York City and Philadelphia and expressed their opposition to fraternal bloodshed. The legislature of Massachusetts showed a spirit of reconciliation by modifying her Personal Liberty Law by an Act passed as late as March 25th, 1861. Many other facts could be given to prove that the overwhelming majority of the men at the North had no thought of or desire for war between the States.

But more than 1,800,000 voters, all of the Free States, had chosen a man to rule them and to hold their lives at his will, of whose bosom-councils they were in total ignorance. They had blindly placed themselves as pawns in the game he intended to play with the God of Battles. Fanatics see but one object, and that is projected forward from the brain. Nothing to the right, the left, or the rear is visible. So ignorant as to believe that a President could abolish slavery, and that it would continue so long as a Democrat should be President, they hailed Lincoln as the deliverer of the country from that abomination. Their cry was not in vain, but litle did they dream that. to answer their prayer, he, to the music of "The Dead Man's March," would wade through their blood and stride the trenches where their flesh lay rotting.

On the 20th of April, by his order, the shipyard at Norfolk, Va., was set on fire at midnight and abandoned by the commandant and garrison. One warship was burned and six frigates were sunk. All other property in the shipyard belonging to the States was burnt or broken up. On the 21st the officer in command at Harper's Ferry burnt the buildings belonging to the States, and moved his command to Washington; and on the 22nd of April Lincoln directed his Secretary of War to express to the officer in command his approbation of the destruction of that valuable property. On the 19th of April troops from New York and Massachusetts arrived in Baltimore. There and then occurred the first conflict and was shed the first blood of the war. Patriotic citizens, unarmed, disputed the passage of armed troops through Baltimore to make war on the South. They fought guns with rocks gathered from the pavement. A few soldiers were wounded—some citizens were killed and many were wounded. Some troops got through to Washington, while those in the rear were turned back. On the 21st, Mr. Brown, Mayor of Baltimore, and other prominent citizens, at Lincoln's request, went to Washington. They went before the Cabinet in session, and Mayor Brown made a report in writing of what Lincoln said. The report, in part, was as follows: "The protection of Washington, he asseverated with great earnestness, was the sole object of concentrating troops there; and he protested that none of the troops brought through Maryland were intended for any purpose hostile to the States, or aggressive as against the South."

Cunning! Perfidy! There were no Confederate soldiers nearer Washington than Charleston, S. C. Why had he ordered the shipyard and ships at Norfolk and all property at Harper's Ferry to be burnt? But we will leave Lincoln to answer Lincoln. An army had been organized, and under command of Gen. B. F. Butler, on the 5th of May, it took military possession of the Relay House near Baltimore, and held it until the 13th, when he marched to Federal Hill, and issued a brutal proclamation to the people of Baltimore. All manufacturers of arms and munitions of war were ordered to report to him. Thus within 21 days after Lincoln's solemn assurance to Mayor Brown of Maryland's security from any hostility, he planted

his heel upon her neck. One reflection here, before we proceed, is of great interest to statesmen and lawyers. Lincoln, by concession, was the agent of the States. His powers were critically defined and expressly limited. Yet, through ignorance of law, or, far worse, through perfidy and despotism, he destroyed by fire property of the States at Norfolk and Harper's Ferry worth millions of dollars. For this, he could and should have been impeached. For this, a Congress of statesmen and patriots would have impeached him, and there would have been no war. But power in the hands of a fanatic, who, by the testimony of his intimate friends from boyhood, among whom was his Attorney General, James Speed, was afflicted with lunacy, acquires rapid and destructive momentum. That persistent melancholy mood observed by all, that constantly found a foil in dirty stories, and in reading Petroleum Nasby's exaggerations, was not then understood.

Maryland's subjugation proceeded with furious celerity. Lincoln ordered Gen. Butler to disarm Baltimore. He obeyed and stored the arms in Fort McHenry. He then ordered Gen. Banks, successor in command to Butler, to arrest the marshal of Baltimore, and to imprison him in Fort McHenry. To this tyranny the Mayor and police officers entered a written protest. For that they—Charles Howard, Wm. H. Gatschell, Charles D. Hinks and John W. Davis—were arrested and put in prison. A Provost Marshall then ruled Baltimore. This was done on July 1st. The legislature met. A committee was appointed to whom was referred the appeal to the legislature of the imprisoned police commissioners. The Hon. S. Teacle Wallis, chairman, made the report for the committee, in which they appealed to the country and all parties to take warning from the usurpations and to come to the rescue of Liberty and the Republic. Thereupon Gen. Banks sent his Provost-marshal to Frederick with an armed force, surrounded the town, and advancing on the legislature, arrested Wallis and a sufficient number of the legislature to break a quorum. Among them were Henry M. Warfield, Charles H. Pitts, Ross Winans, John Hanson, and F. Key Howard. Thus was the legislature suppressed. Henry May, a member of Congress from Maryland, was also arrested

and imprisoned. From that day to the end of the war Maryland was ruled by the military as Rome ruled a conquered province.

Let us pause a moment to view this ruin wrought by a perjured, brutal despot to gratify an insane ambition. Never had a tyrant wound around him such a net of falsehoods, inconsistencies, contradictions, each and all first dyed in blood. Maryland had not seceded. She was a sovereign State in the Union. The only bond of that Union was the Constitution. Lincoln was the creature of that Constitution. Maryland was one of the thirteen States that made it. Lincoln had just sworn to support it. To avoid cavil, or possible dispute, we assume for the moment that a State had no right to secede. That step Maryland had not attempted. Lincoln protested that his only purpose in calling for an army was to enforce the laws. Maryland had not resisted any federal law. Even in South Carolina there had been no resistance to any law. Lincoln had not attempted to enforce any federal law in Carolina. Fort Sumter had been taken by Carolina, but Maryland was no more a party to that act than was Massachusetts. Then what law was he trying to enforce in Maryland? The police of Maryland had violated no federal law. They had tried to control the men who attacked the militia who had responded to his call. They picked up guns and baggage of the troops and gave them to the soldiers. By what law did Lincoln arrest and imprison the police, the police commissioners, the Mayor, the members of the legislature of Maryland, a member of Congress, and imprison them in Fort McHenry and Washington, and then send them to other prisons in the North? Yes; he was only enforcing the laws and had just sworn to support the Constitution, which told him: "The privilege of the Writ of Habeas Corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it."

Was it chance or foreknowledge that determined Lincoln to select Benjamin F. Butler, a Puritan, and of Massachusetts, and a civilian, to tyrannize over Maryland? Did he not know his man? Was it chance or design that chose N. P. Banks, another Massachusetts Puritan, and a civilian, to succeed Butler to prolong that tyranny? The names of a few of the victims ar-

rested and imprisoned by these satraps of the despot, have been given, but they arrested ninety-seven leading citizens of Maryland and put them in dungeons, without warrant, without definite charge, refusing to obey the writ of habeas corpus, and done on Lincoln's order alone.

With a brief notice of but one incident illustrative of the inconceivable contrast between Maryland's condition in 1814 and 1861—only 47 years—we will pass on to survey a far wider field of like despotism. One of the noble sons of Maryland, thus imprisoned, was F. Key Howard, a grandson of Francis S. Key, the author of "The Star Spangled Banner." He shall tell his own story. In his experience called "Fourteen Months in American Bastilles," page 9, he writes: "When I looked out in the morning, I could not help being struck by an odd and not pleasant coincidence. On that day forty-seven years before, my grandfather, Mr. F. S. Key, then prisoner on a British ship, had witnessed the bombardment of Fort McHenry. When on the following morning the hostile fleet drew off, defeated, he wrote the song so long popular throughout the country, the Star-Spangled Banner. As I stood upon the very scene of the conflict, I could not but contrast my position with his, forty-seven years before. The flag which he then so proudly hailed, I saw waving at the same place over the victims of as vulgar and brutal a despotism as modern times have witnessed."

And the Puritans of New England, under Butler, were then regaling the ears of victims of their despotism in that Bastille with music of a brass band, that run to the words —

"The Star-Spangled Banner! Oh! long may it wave,
O'er the land of the free, and the home of the brave."

If, in travesty, mockery, derision, beastly inhumanity, there be another instance in history that approaches to this, it was when the poor of Paris, driven to desperation by hunger, appealed to Marie Antoinette in her royal palace for bread, and, with contempt and heartlessness, she answered: "Why don't the wretches eat cakes?"

CHAPTER L.

A SUPPOSED SOLILOQUY.

We resume the review of Lincoln's cunning and treachery. The States delegated to Congress the exercise of their power to declare war, and that only against a foreign Power. Lincoln had no more power to declare war or to begin war than had his bootblack. And neither had Congress nor any other agent of the States any right to make war on a State. We will see how cunningly he played his game to get his grasp on slavery. For four months of anxious waiting and watching he had played to gain his vantage ground.

"How can I set on fire the Northern heart? The Union flag waving above 'The Star of the West' was fired on, and no third of vengeance was aroused. My followers are fanatics and fools. The intelligence, the conservation, the wealth of the North are all against me. What shall I do to justify me in turning loose the dogs of war? They hate me, call me ape—gorilla—gawk—giraffe—fool—Yes, I know I am

'Not made to court an amorous looking glass.
I am rudely stamped and want love's majesty—
I, that am curtailed of this fair proportion,
Cheated of feature by dissembling nature!
Deformed, unfinished, sent before my time
Into this breathing world scarce half made up.'

"As I am subtle, false and treacherous, I—who now am clothed with the power of a giant—shall use it like a giant and a tyrant. I'll teach them who and what I am! I've tricked the rebels to fire on the flag, and the opening gun shall be 'the knell that summons me to Heaven, or to Hell.' If through seas of blood I wade triumphant to my crown, my ambition—my only Heaven—will be gained. Should I fail—the execrations, anathemas, fiery curses of betrayed mankind, shall be my portion. But—as this petty life is the be-all that ends with the grave—what matters it? As now I am jeered, hooted, scoffed, spurned, condemned; am charged to be an infidel, because rea-

son demands that I call the Bible a fable and Christ a bastard; and pollution drips from my tongue as I talk—Hark! the cannon's roar! Now, for Ruin's reign! I'll set my squadrons in the field. Those blooming, fruitful fields I'll ravage. Those smiling, peaceful valleys, I'll sweep with destruction so complete, the birds of the air will perish. Those hills and plains I'll sow with blood so deep and bones so high they'll be my monument. Should discontent assail me in the rear, I'll kick the Constitution from my path, all legal process sweep aside, send judges with the habeas corpus, and all dissenters, to murky dungeons—to sweat and groan till the nation shall be cowed. To fire the Northern heart I'll veil my sworn intent, and cry: 'The Union is in Danger! Come to the Rescue!' Then, when hot blood is flowing, when passion has blinded reason, and the cry of widows and orphans drowns the gentle voice of peace, and time and opportunity meet, I'll tear away my Mokanna veil, and proclaim Freedom for every slave. Then, servile insurrection, murder, and the torch will be my allies, to assail the rear while I mow down the front. 'All Hail! Thane of Cawdor!'

"Conscience? What is conscience to me? 'Tis true, witnessed by thousands, I pressed my lip on the skin of a butchered beast—the covering of a fable mocked by me—but I said not 'So help me God,' that fetish, like the pillory, to force petty men to stand firm. The means, called tyranny, will sanctify my lofty aim when reached. The Constitution? What is that but paper? What care the shouting ring for the paper on the hoop, after the acrobat, bursting through it, lands upon his feet on the horse's back? Did not Seward—my premier—and his Higher Law dupes swear to support the Constitution? Did conscience hold them? How came I here, if not on the rabble's cry of a Higher Law? What is my conscience but that I approve? Nature is my God! Sun, moon, stars, the ocean, rocks and trees—this whirling sphere of which I am and it of me—they have no conscience, but they do their appointed work. So must I. If a million of my legions bite the dust in this grand crusade they'll but anticipate their time of sweating and groping through a few years more, to die unknown. Widows will wear sable, orphans will cry in vain, then curse me in bitter

savagery; but when the negroes are free and I have shaken off this mortal deformity, they'll forget murdered husbands and fathers, and shout hosannahs to my name.

"The end sanctifies the means. Is proof needed? See my compatriot—John Brown. But yesterday hailed assassin! murderer! a demon—pitiless as a hungry tiger! Today, a martyr, a patriot, a hero, sanctified by a scaffold and a hangman's rope. Ah! what a weather-vane—vacillating as the wind, dissolving as the clouds, now a weasel, now a camel, now a rushing, roaring tempest— is this human rabble, crawling between the colossal legs—huddled around the feet—of blind Destiny; shouting today 'Release unto us Barabbas, tomorrow joyfully singing as flames lick their quivering flesh, for a crucified, imaginary Savior!

"Should that Nemesis that, in visions by day and dreams by night, I, through a mysterious, unknown sense, have seen, felt, lurking behind me, in an unguarded moment, snuff out this light, the rabble that have uplifted me, hailing my tyranny as patriotism, will call me blessed martyr, and crown me with bay and laurels undying, till the cold insensate hand of History, digging beneath the rubbish of human laudation, as archaeologists clear away the accumulated dust with which Time has slowly hidden deep some ancient ruin, shall upheave the pagan idol I so long have worshiped, and what they now praise as wisdom shall be found but the low cunning of the serpent."

Whether presentiments of evil are of a disordered imagination, or of neurotic conditions, or of aboriginal superstition, or insanity; or whether they may be inaudible whispers of warning by a guiding spirit hovering in the invisible world—we do not, and may never, know. But experience, our wisest counselor, has taught the truth that "there are more things in Heaven and Earth than are dreamed of in our philosophy."

From early manhood, Lincoln was possessed with the fear that a violent death awaited him. He could neither laugh, nor joke, nor reason it away. He often mentioned it to friends. As he bade them farewell, when leaving for Washington, he told his intimate friends he would not return alive. During the day of April 14th, 1865—the day for Nemesis to arrive—he was unusually despondent and gloomy. He again repeated his pre-

sentiment. He was urged, against his wish, to attend Ford's Theatre that night. Leaving every one to his opinion, whether he believes in presentiments or assumes to scout them, still it is a coincidence that challenges the indurated skeptic, that just four years to the hour from signing his call—forbidden by the laws of God and man—for an army to shed his brothers' blood, he was summoned before the Throne of the God he had scoffed through life, to answer for that crime unparalleled in history.

CHAPTER LI.

TESTIMONY OF PERSONAL INTIMATES ABOUT LINCOLN.

On the testimony of his law partner, W. H. Herndon, who knew Lincoln intimately twenty-four years, and of Ward H. Lamon, his biographer; of James H. Mathoney, Hon. John T. Stuart, Judge David Davis, Dr. C. H. Ray, Jesse W. Fell, Newton Bateman, and others—all his intimate friends, and prominent citizens of Springfield, Illinois, as well as on the authority of his step-mother, Lincoln was an infidel, a fatalist, and at times an atheist. Herndon says:—"When a candidate for the legislature Lincoln was accused of being an infidel, if not an atheist, and of saying Christ was an illegitimate child, and he would not deny the charges. In his moments of gloom, he would doubt, if he did not sometimes deny God. In 1847, when a candidate for Congress, he was accused of being an infidel, if not an atheist, and he said he would die rather than deny it, because" says Herndon, "he knew it could and would be proved on him."

Lamon says: "When Lincoln went to church at all, he went to mock, and came away to mimic."

Mr. Bateman says: "Lincoln, learning just before the election in 1860 that only three of twenty-three ministers of the Gospel in Springfield, would vote for him, expressed surprise and drew out from his bosom the New Testament and said 'this is the rock on which I stand.'" Bateman expressed his surprise, and told Lincoln his friends were ignorant of his religious views. Lincoln answered quickly, "I know they are; I am obliged to appear different to them." Here is the wolf in sheep's clothing; all because his "overweening ambition" (Lamon) was ravenous for political office.

Judge David Davis, whom Lincoln appointed U. S. Supreme Judge, says: "I knew the man so well—he was the most reticent, secretive man I ever saw, or expect to see. He had no faith, in the Christian sense of the term."

Herndon says: "Lincoln never named Christ in writing or speaking. In writing to give consolation to his dying father, he would not name Christ. In a speech I wrote I used the word God. Lincoln made me strike it out.

Stuart says: "I knew Mr. Lincoln when he first came here (Springfield, 1834), and for years afterwards. He was an avowed and open infidel."

Herndon, again, in writing to Lamon: "Lincoln was an infidel—atheist—was a fatalist, denied freedom of the Will. He wrote a book to prove, first, that the Bible was not God's revelation; second, that Jesus was not the Son of God. I assert this on my own knowledge. Judge Logan, John T. Stuart, James H. Mathoney, and others will tell you the truth—will confirm what I say, with this exception—they all make it blacker."

Lamon says, page 503, "If Lincoln did not believe in Christianity, the masses of the 'plain people' did; and no one ever was more anxious to do 'whatsoever was of good report among men.' To qualify himself for office, he always appealed to the Christian's God either by laying his hand on the Gospels, or by some other invocation common among believers. Of course the ceremony was superfluous, for it imposed no religious obligation upon him." * * * His mind was readily impressed with the most absurd superstitions. * * * While it is very clear that Mr. Lincoln was at all times an infidel * * * it is also very clear that he was not at all times equally willing that everybody should know it. He never offered to purge or recant, but he was a wily politician, and did not disdain to regulate his religious manifestations with some reference to his political interests."

A friend of Lincoln, Samuel Hill, heard Lincoln read his book attacking the Christian's Faith, and Lincoln assured him he (Lincoln) intended to publish it. Hill snatched it from his hand and threw it in a red hot stove. Hill said he did that to prevent Lincoln from committing political suicide.

Hon. John T. Stuart: "He was an avowed and open infidel. He went further against Christian beliefs and doctrine and principles than any man I ever heard; he shocked me. The Rev. Dr. Smith tried to convert Lincoln from infidelity so late as 1858, and couldn't do it."

Mathoney: "Lincoln would come into the clerk's office where I and some young men were writing, and would bring the Bible with him; would read a chapter and argue against it. Lincoln often, if not wholly, was an atheist; at least bordering on it. He was enthusiastic in his infidelity. He told me he did write a book on infidelity." This is the book his friend, Hill, burnt.

Lincoln's widow said: "Mr. Lincoln had no hope and no faith in the usual acceptance of those words."

Mr. Speed, afterwards appointed Attorney General by Lincoln, says (page 241, Lamon): "Lincoln's derangement was nearly if not quite complete. We had to remove razors from his room, take away all knives and other dangerous things. It was terrible!"

Mrs. Edwards, sister to Mary Todd, whom Lincoln jilted, says (page 240, Lamon): "Lincoln and Mary were engaged; everything was ready and prepared for the marriage, even to the supper. Mr. Lincoln refused to meet his engagement. Cause—insanity."

Herndon says: "Lincoln's religion was 'the Fatherhood of God and the Brotherhood of Man.'" That is not quite as high sounding as his "Universal Law," but it is as lucid and comprehensive as Parson Jasper's lecture on the Universe which he condensed into "De world do move." It is quite as efficacious as an iron life-preserver to a drowning man, and, for salvation, it is just as convincing as the old negro's plea of "not guilty, because I stole de pants fur to be baptize in." For its egotism, learning, and the self-complacency of profound ignorance, it finds a parallel in another negro preacher named John Marshall who was wont to scatter promiscuously his theology around Savannah just before Lincoln marched into Virginia to demonstrate a lunatic's idea of the "brotherhood of man" by murdering a million whites to give social equality to blacks.

Old John, almost as conceited as Lincoln, announced suddenly one day to his young master "dat dere aint enny part of the Scripture I can't expound."

"I am glad to hear that, John. There is one word in the Scriptures I don't understand."

"What's dat, Mars Charlton?"

"John, the Scriptures say 'The firmament showeth his handiwork.' That word firmament has troubled my mind all my life. Tell me the meaning of that word, firmament."

"Mars Charlton—as to de regards uv de furmurment—de furmurment, Mars Charlton, is a spechus (species) uv self-rightushness. Fur, (for) you know, in dem days, before de curation (creation) uv de world, when Pentecost was persecutin uv Paul an Silas in de wilderness—

"Hold on, John! Pentecost was not born then."

"Mars Charlton! You'se young yit. You dun no Pentecost in dem days was a growed-up man, Mars Charlton."

"The Fatherhood of God!" Yes—and denied the fatherhood of the Father's "only begotten Son" by proclaiming that Son a bastard! Enough of his fatherhood!

"The Brotherhod of Man!" If he meant that in responsibility to God every man stands on one level, and that each is under the same divine laws, and must stand or fall as he may obey or disobey those laws, then he was not in error. But that is not the creed of infidels, nor of men who deny punishment for disobedience of the laws of God. Did he deny that? Look at page 489 of Lamon, and read what Wm. H. Hannah says: "Since 1856, Lincoln told me that he was a kind of immortalist; that he never could bring himself to believe in eternal punishment." Herndon, in his letter to Lyman Abbott, who was gathering material for a biography of Lincoln, said: "Lincoln believed in no hell and no punishment in a future world."

As the Old Testament is silent on future rewards and punishments and the resurrection; and as the New Testament rests solely on the teachings of Christ, and as Lincoln repudiated the divinity of Christ, and also denied that the Old Testament was inspired, and believed it was nothing more than Jewish history and the writings of men, we arrive at the conclusion that his faith had no more foundation than that of the Greeks and Romans who believed in Zeus or Jupiter as the Supreme God and ruler. The corollary to this conclusion is that, in Faith, Lincoln was a pagan. A pagan's conscience was individual, that is, it was to each and every man what he believed

to be right or wrong. Here we find the key to Lincoln's "overweening," "intense," "inordinate" ambition; his expressed yearning for place and power and distinction.

Herndon says: "Soon after the death of Mr. Lincoln, Dr. J. G. Holland came out to Illinois from his home in Massachusetts to gather up material for a life of the dead President. The gentleman spent several days with me, and I gave him all the assistance that lay in my power. I felt sure that, even after my long and intimate acquaintance with Mr. Lincoln, I never fully knew and understood him, and I, therefore, wondered what sort of a description Dr. Holland, after interviewing Lincoln's old-time friends, would make of his individual characteristics. When the book appeared he said this: 'The writer has conversed with multitudes of men who claimed to know Mr. Lincoln intimately; yet, there are not two of the whole number who agree in their estimate of him. The fact was that he rarely showed more than one aspect of himself to one man. He opened himself to men in different directions. To illustrate the effect of the peculiarity of Mr. Lincoln's intercourse with men it may be said that men who knew him through all his professional and political life offered opinions as diametrically opposite as these, viz: that he was a very ambitious man, and that he was without a particle of ambition; that he was one of the saddest men that ever lived, and that he was one of the jolliest men that ever lived; that he was very religious, but that he was not a Christian; that he was a Christian, but did not know it; that he was so far from being a religious man or a Christian that 'the less said upon that subject the better;' that he was the most cunning man in America, and that he had not a particle of cunning in him; that he had the strongest personal attachments, and that he had no personal attachments at all—only a general good feeling towards everybody; that he was a man of indomitable will, and that he was a man almost without a will; that he was a tyrant, and that he was the softest-hearted, most brotherly man that ever lived; that he was remarkable for his pure-mindedness, and that he was the foulest in his jests and stories of any man in the country; that he was a witty man, and that he was only a retailer of the wit of others; that his apparent candor

and fairness were only apparent, and that they were as real as his head and his hands; that he was a boor, and that he was in all respects a gentleman; that he was a leader of the people, and that he was always led by the people; and that he was always susceptible of the strongest passions.' "

J. B. Helm furnished a manucsript to Mr. Herndon. The incident here given is recorded on page 14 of Herndon's "Lincoln."

"The Hanks girls," narrates the latter, "were great at camp-meetings. I remember one in 1806. I will give you a scene, and if you will then read the books written on the subject you may find some apology for the superstition that was said to be in Abe Lincoln's character. It was at a camp-meeting, as before said, when a general shout was about to commence. Preparations were being made; a young lady invited me to stand on a bench by her side where we could see all over the altar. To the right a strong, athletic young man, about twenty-five years old, was being put in trim for the occasion, which was done by divesting him of all apparel except shirt and pants. On the left a young lady was being put in trim in the same manner, so that her clothes would not be in the way, and so that, when her combs flew out, her hair would go into graceful braides. She, too, was young—not more than twenty perhaps. The performance commenced about the same time by the young man on the right and the young lady on the left. Slowly and gracefully they worked their way towards the centre, singing, shouting, hugging and kissing, generally their own sex, until at last nearer and nearer they came. The centre of the altar was reached, and the two closed, with their arms around each other, the man singing and shouting at the top of his voice,

"I have my Jesus in my arms
Sweet as honey, strong as bacon ham."

"Just at this moment the young lady holding to my arm whispered, 'They are to be married next week; her name is Hanks.'

"Hail Columbia, happy land,
If you aint drunk I will be damned."

The career of Abraham Lincoln is a paradox that baffles all understanding. It defies description. It beggars language. It makes fiction that curdles the blood of age, commonplace, and the dime novel a bore. It forces yawns over the pages of Rider Haggard, and elevates Munchausen to the dignity of a historian. It makes fraternity hypocrisy, and gives immortality to hate and execration. It turns the milk of human kindness into the discord of Hell. It gives to obscenity a passport to the drawing room. Its brutality throws a mellow light over the Duke of Alva, who, while butchering his foes, never, by starvation, murdered his friends. It furnishes to the lawless of every grade the plea of justification, under the "Higher Law," and the "law of public necessity." It crowns Guiteau— the assassin of Garfield—with the halo of martyrdom. It leaves no trace of Christianity but the one saying of Christ, "I come to bring the sword." By hiring slaves to kill their masters, it raises to the level of civilized warfare and of humanity the enlistment of Indians—one of the strongest counts in the indictment of King George III. by our forefathers. The contemplated massacre to follow the Proclamation of Emancipation sinks the massacre of Huguenots on Bartholomew's Day by Charles IX, to the negligible incidents in a brawl on the streets of Verona between armed adherents of the houses of Montague and Capulet. It gives to John Brown the credit due to an humble servant, who, without question, obeys the "Higher Law" of his master. The order to shoot and kill as traitors and spies all peaceable men tilling the soil to feed their babes, behind or within the lines of federal troops, brands the forehead of the Commander-in-Chief, who proclaimed to the world, in order to deceive Europe, that he was only trying to enforce the laws of the Union and to quell an insurrection, as the most infamous liar and the most brutal assassin in all history. The commander-in-Chief of millions of troops composed in part, as stated by one of his abettors, "of wretched vagabonds of depraved morals, disorderly, thievish, without self-respect or conscience," who, with bayonets drove defenseless and helpless women and children from their homes in Atlanta into the woods, burned their dwellings and all they owned, then cut a swath of ruin through Georgia by the torch, robbing all valuables, killing all

cattle, hogs and horses they could not carry, spreading such desolation that women and children fought off starvation by picking from the dirt the few grains of corn his horses had slobbered over; who, tramping through Carolina, robbed, burnt everything in his path that fire can destroy; who, after days and nights of looting and rapine in Columbia, set the torch to and used that fair city as a pillar of fire by night and a pillar of smoke by day in his onward march of continued desolation—all these deeds of savagery just to quell an insurrection,—this hero has but one prototype. Nature unable to create such a monster, it required the unfettered genius and fertile imagination of Milton to fashion him. This Arch-enemy of the human race—Anarch called by demons damned—shouted to Satan in his envious flight to compass the world in ruin—"Go! and speed! Havoc, and spoil, and ruin, are my gain!"

CHAPTER LII.

NORTHERN FAITHLESSNESS AND LAWLESSNESS.

We have traced the hostility of the North against the South from the first Congress in 1789, when petitions for the abolition of slavery began, to the culmination of the ferocity and madness of fanaticism when it repudiated the only bond that brought and held together the States of the Union. That bond was one of brotherhood. It was made by thirteen Sovereigns. We have read the reasons that induced those Sovereigns to form that Union. We know that the Union could not have been formed without a pledge of faith and honor to protect that species of property called slaves. That pledge was deliberately, solemnly given. That pledge was as deliberately and solemnly broken by a majority of the Northern States. It was broken by deliberate and solemn legislation. It was broken thousands of times by organizations formed for the theft of Southern property and by mob violence on Northern soil. When that faith and honor were pledged, slavery existed in all the States. If it was "the spawn of Hell" the men who made that bond knew it as well as their wise children. Why did they not refuse then to protect it? As the Southern States refused to unite with the Northern States without that protection, why did the Northern States not refuse to be parties to the Union? It must be borne in mind steadfastly that the only obligation between the South and the North was that written agreement called the Constitution. One of the several weaknesses in his debate with Calhoun was Webster's quibbling on the word Constitution. Had that instrument been gifted with articulate tongue it could have overwhelmed him while torturing it, by crying out—"I am what I am! I am what your fathers begat. My baptism did not change my nature, nor my speech. Baptize me Constitution, or Covenant, or Compact, or Agreement, or Partnership—but my spirit, my soul, my voice, my thoughts, you cannot change."

In 1833, Massachusetts, as usual, took the lead in the deeds of lawlessness that finally culminated in fratricidal war. In Boston, an anti-slavery society was formed with Arnold Buffum, a Quaker, as president. Boston was followed in 1833 by "The American Anti-slavery Society" in Philadelphia, Arthur Tappan, president. From that date other societies sprang up like shoots of asparagus. In the American Cyclopedia (head, "Slavery," page 712) compiled by two sons of New England, George Ripley and Charles A. Dana, we read that these societies "by means of lectures, newspapers, tracts, public meetings and petitions to Congress, produced an intense excitement throughout the country, the effects of which were soon manifest in the religious sects and political parties." In 1840, "The American and Foreign Anti-slavery Society," of mammoth proportions, took the field. In 1844 this society resolved that "the so-called compromises of the Constitution were immoral, and that it was wrong to swear to support the Constitution, or to hold office, or to vote under it." We see here, fanaticism in a spasm of Repudiation. Quoting still from the Cyclopedia we read: "From that time these abolitionists avowed it to be their object to effect a dissolution of the Union, and the organization of a Northern republic where no slavery should exist." Here is fanaticism advocating the doctrine that Lincoln denounced "as the essence of Anarchy"—Secession! In 1855 Boston moved up and again took the lead. She formed "The American Abolition Society" to promote the view that Congress had power to abolish slavery in every part of the Union. This was as sweeping as even Lincoln could desire.

The Northern Churches then aroused and shook themselves. They organized the "Church Anti-slavery Society, to convince the Churches and ministers that slavery is a sin, and to induce them to take the lead in the work of abolition." Here we see religious fanaticism, checked by the Constitution, rushing on in another course and seizing hold of slavery to feed upon. By this time the entire atmosphere from Maine to the Pacific was a boiling, seething, roaring, leaping, forked-tongued flame of fanaticism. Now and then there were explosions, seen by the world; as when Henry Ward Beecher used his pulpit as an "auction pen," and acting as auctioneer, or slave trader, he

sold to the highest bidder an escaped negro girl; or when Rev. Theodore Parker converted his dwelling into a den for fugitive slaves and shipped them to England; or when Boston put on mourning and denied to the light of Heaven entrance to her holy dwellings, as the fugitive negro, Burns, was escorted to the ship; and when the western Judge demanded to be shown a title-deed signed and sealed by God Almighty; and when the Dred Scott decision of the United States Supreme Court dropped on the burning atmosphere. These and hundreds of other explosions occurred before the armed invasion of Virginia by John Brown was made and he was hanged. Fanaticism, so furious before, now, in a transport of rage and sacrilege, seized hold of the thief and hundred-fold murderer, and assassin, and raising him aloft in Beecher's Tabernacle and Faneuil Hall, cried—"Behold this murdered martyr! His death on the gallows has made it as holy as the cross was made by the crucifixion of Christ!"

By this time at least 30,000 slaves had been stolen and rushed through to Canada. This estimate of the number is given by the two Abolitionists, Ripley and Dana, in their Cyclopedia, page 712, under "Slavery." The number stolen that were hidden in the States is not given, and will never be known. Still, the market value of the 30,000 at the fair average of $500.00 each, was $15,000,000. But the value of the property stolen and refused return by the Northern nullifying Statutes called "Personal Liberty Laws" is a matter of small moment. The all important and the vital question was the perfidy and dishonor demonstrated by the lawless method of effecting the loss to the South. It was an unmistakable signal of danger to and destruction of three billions of her property; of the ruin of her system of labor, and of the upheaval of her social order by turning loose four millions of semi-savages to prey upon her. We have had but a glimpse at the social, political and religious conditions throughout the Northern States up to the year 1860 —the year when the hour and the man had come, the man who was to consummate what the fanatics had toiled and prayed for, and during sixty years had sacrificed their honor to accomplish. And, let it be said, that no tool was ever better fashioned to effect a nefarious purpose than the one those raving devotees

selected. There was method in their madness, and cunning in his method. Before he had worked out their design he held the poisoned chalice to their lips and forced them to drink of it. His despotism in the South had its counterpart in his tyranny over the North. His memory is immortal, for his enduring monument is built of the bones of a million men slaughtered at his command. He is remembered at the crack of every gun in the hands of his freedmen as a Saxon is murdered. He is remembered when the wail of every woman in the deadly grip of a lustful freedman breaks on the air and appeals to Heaven. The tears wrung from the burning eyes of a million widows and orphans will keep in perpetual verdure his unforgotten grave. The aching sighs, the wailing sorrow, the moans of anguish, of a million mothers and daughters mingled in discord, will forever chant his requiem.

CHAPTER LIII.

RIOT OF LAWLESSNESS AND CORRUPTION—PROFIT AND LOSS OF THE WAR.

We come now to the business side of the war waged by Lincoln for Abolition. To get a balance sheet we must add up the debit and the credit columns—then determine the profit or loss—the solvency or bankruptcy as the figures may testify. This is a gruesome task, but it is fit that the debtor shall make an exhibit to the creditor-world. The creditor has long since made his estimate. The Christian world has footed up its loss —in part. The moralist has approximated his loss. Widows and orphans have suffered their incalculable loss. Cripples, with legs and arms left in ditches and trenches, or on mountain and plain, as meat for vultures, turn their sad eyes to the battlefields as they limp and halt, stumble and fall—in hourly remembrance of their loss. Mourners go about the streets, proclaiming to the passer-by and idle loungers at doors and windows, in the mute eloquence of sable, what they have lost. But those are only fragmentary particles of the vast ruin scattered at our feet as the Temple fell. That we may reckon the magnitude of the ruin wrought by a Pagan Despot, we must draw near and view the foundation, the massive pillars, the architrave, shattered dome, broken arches, the Parian frieze, cornice, delicately chiseled tracery, its thirty-six separate regal chambers, all of one incomparable and unprecedented architecture, in the touch of whose builders the wisest men claim to find genius inspired by a Spirit not of earth, each glorious in beauty and strength as the temple of Minerva. Let us drop all figurative speech, and leaving out of the calculation the minor items of dollars and cents, look only at millionary values.

First, what is the gain? There is but one item. It is freedom for the negroes. Who can estimate the value of that gain —even to the negro? Has freedom proved a blessing to the

physical man? In slavery they were immune to the White Plague. As freemen, more die, by near two to one of the white race, of consumption, pneumonia, and of the numerous class of diseases that are caused and accelerated by exposure, dissipation, drunkenness, fever, lack of clothing and proper nourishment, and of medical treatment and nursing. In Northern cities—Philadelphia for instance—a large percentage are circulating pestilence of venereal diseases that are destroying white and black. This is the result of social equality and of legalized and illicit miscegenation in all the Northern provinces, which, before Lincoln, were States or Nations.

What of his morality? During slavery his natal African qualities, such as thievery and lust, were repressed—kept under control. Now they have full play. In slavery he was not known as a rapist. Now, he is a terror in every province, county, city and neighborhood—combining stealing, rape, lawlessness and murder. As a laborer—producer—the male is estimated, in the aggregate, at fifty per cent. of his efficiency as a slave; the women at much less.

Those who worship Mammon point with exultation at the rapid accumulation of our billions as a marvelous and incalculable gain. They are the materialists—"the calculators"—denounced by Edmund Burke. "Of what worth is it to a man to gain the whole world and lose his own soul?" What is the gain to a country where "wealth accumulates and men decay?" These Mammonites see no decay. There is no wand like a golden wand to dazzle the eye. In proof of their social pollution, after a few lines of preface, we will throw on the canvas a moving picture of living scenes throughout the Northern States—beginning with the advent of their heroic saint, Abraham Lincoln—that may recall the leprous dungeon so graphically depicted in "Ben Hur."

From the first Congress, in 1789, to 1860, the government was in control of Whigs and Democrats—excepting two Federalist administrations. During those seventy years corruption in high federal stations was unknown. In the Southern States, from Governor down to the lowest office under the State, and in municipalities, personal honor obtained. When men in high places were abused, the provocation was political and not per-

sonal dishonor. As already shown, throughout the Free States, for forty years, systematic theft by individuals, by men and women in organization, was openly carried on in sight of their children. What they stole was property. Their fathers and grandfathers sold negroes as property, and took the price—as of a horse, a house, or land. Their children knew all that. They were housed, clothed, fed and educated by that blood money, and they knew it. Their children, witnesses to the theft, when arrived at the age of moral consciousness, remembered this lawlessness; and, as father and mother had by example taught them, they drew no broad line between what was property on opposite banks of the Ohio River, or on the two sides of an imaginary line dividing two States. The lesson by example is more impressive than by precept. The warning voice of the preacher pounding the pulpit is forgotten—yes, it is jeered and ridiculed—when he is caught secretly treading "the primrose path of dalliance." With these words, whose truth is blazoned on the pages of the Bible and so deeply rooted in human nature as to be known by the heathen, we proceed with the canvas.

The Republicans—successors to and children of the Abolitionists who had stolen the negroes—came into full control of the federal government, and, of course, of its treasury, in March 1861. In 1862 the revelry began—but unlike that "in Belgium's capital," it was not by night, and there was no audible sound. The ball was opened by the passage of a law to charter the Union and the Central Pacific Railroad Companies. From lack of space we must omit details and skip a year or two and come to the hilarity of the play. The corporators of the two Companies went back to Congress with the sad statement that they could not float their bonds, but that another financial agent could, provided Congress would pass a law authorizing the Secretary of the Treasury to indorse them. The financial agent paraded under the alluring foreign name of "The Credit Mobilier." The personnel of this many-headed foreign financial giant were not visible to Congress. The law was passed and the taxpayers were put in for $32,000,000 with interest for thirty years. Around the year 1871 a disgruntled grafter, who had not gotten his share of the swag, filed a Bill in Chancery in

Philadelphia, in which he, as the modern political figure runs, "took off the lid" and gave the taxpayers a retrospect at their first Republican Congress. The revelation called for a spasm of Republican virtue. A committee of each House of Congress was appointed. Each committee caught some big fish in its net who were of each House. They unveiled the foreign Financial Agent and discovered the familiar faces of the few gentlemen who were the corporators of the two railroads. They were the great Credit Mobilier. They had sold the bonds to themselves.

These Republican children of the parents—Abolitionists—who had stolen the negroes, had as Congressmen been buying from and selling to each other. The buyers—with noticeable instinct—selected a member of the House, a Puritan from Massachusetts, named Oakes Ames. Some preferred stock, some bonds, of the Companies; and some, like Judas, preferred the jingling coin. One United States Senator, Wm. A. Patterson of New Hampshire, was found in the net of Ames. The Senate Committee investigated the charge. He was so far implicated that he was called before the Committee in his own defense. Then followed a drama that is, probably, without a parallel in any deliberative body. Senator Patterson came before the Committee and took a seat at the end of the long table opposite the Chairman—Senator Lott Morrill of Maine. The Chairman stated the charges, and then asked: "What say you to the charges?" Answer: "I am not guilty." Question: "You did not receive any valuable consideration for your vote as Senator on the passage of the bill for the Government to indorse the Pacific Railroad bonds?"

Answer: "I did not."

Question: "You received neither money, nor stock, nor bonds of those Companies, or either of them?"

Answer: "I did not."

"You are discharged, Senator, from further attendance on the Committee to-day," said the Chairman.

Oakes Ames, was then called before the Committee.

"Mr. Ames," said the Chairman, "Senator Patterson has sworn before the Committee that he received nothing of any kind for his vote on the Pacific-bonds Bill. Have you anything further to say?"

Ames's right hand dived down in his side coat-pocket, and that little deadly demon—a briber's memorandum book—rose at the touch of his fingers. He turned it affectionately, looked at it a moment, then handed it to the Chairman, who passed the little dumb witness to the other Senators. Patterson was again called in; the Chairman passed the little assassin to Patterson and asked:

"Senator Patterson, is that your signature?"

Patterson glanced at the page and his eyes turned to the floor and his head slowly drooped forward. The Chairman, deeply moved by sympathy and distress, remained silent. Every eye in the room was riveted on the doomed man. At length, the Chairman, recovering again, asked; "Is that or is not that your signature?"

Patterson neither replied, nor raised his head or eyes—"That will do, Senator. You can retire," said the Chairman. The Committee, within a few days, made their report to the Senate. Chairman Morrill said, in brief—

"Your Committee, to whom was assigned the duty to investigate certain charges against Wm. A. Patterson, a member of this Body, beg leave to report that, after a full examination of the evidence, they, by unanimous vote, have found Senator Patterson guilty. Painful as your Committee have felt the discharge of this duty to be, we are constrained to say that grievous as we hold the offense of bribery to be, we are compelled to report that we have found him guilty of a much graver crime. It is the crime of perjury committed by him when examined by your Committee."

Senator Patterson's time of office would expire within two weeks from the date of the Report of guilty. Through pity and by common consent, it was agreed not to expel him, and to let the Report "lie on the table." Patterson was a Puritan. He had been a Professor in a College in New Hampshire, was a member of a Puritan Church or Congregation and was regarded by all, who thought they knew him, as an exemplary Christian.

While this Republican investigation of Republicans was in progress another "lid blew off," and below was found an army of these children, who, by their old Fagin fathers, had been taught the fine art of stealing. To raise money to pay

the deluded Northern soldiers who were told by Lincoln and Seward they were patriots and heroes, fighting to save the Union and their own freedom, Congress passed the Internal Revenue Law, which some, irreverent of Congress—dubbed the Infernal Revenue Law. The main product taxed by it was whiskey. The officers to collect the tax covered the land. They had not forgotten the teaching by their fathers, and they soon put it into practice. A combination was formed—that stretched nearly across the Continent—to steal the tax. It was branded, after discovery, "The Whiskey Ring." As the North, and not the South, was the loser, an investigation was set on foot. It resulted in criminal prosecutions in the federal courts. Some were convicted, some fled, and some "got off." One, named McDonald, was sent to the pen, in Missouri, and while serving his term wrote a book as an expose of the "Ring." He believed he had been made a scape-goat by those who, equally guilty, had found "favor at Court" and had "got off." His exposure lays bare a prevalence of corruption in the patriots and heroes who saved the Union. Men in high places were after the coveted graft. The smell of whiskey was traced into the White House. Grant was President. He was not involved in the fraud—but one of his political family in the White House was. It was of these prosecutions Grant said—"Let no guilty man escape."

About the same date another small lid blew off. It covered the trifling sum of seven million dollars and was confined to Washington. Congress had made a large appropriation to be spent in and on the City. One Sheppard was at the head of the Municipality. He was called "Boss Sheppard." His brain evolved magnificent ideas and he planned a magnificent expenditure to extend streets, excavate and fill in—to plant trees —to pave and lay sidewalks. In some mysterious manner, by hook or by crook—or by crooks—seven million dollars disappeared. A furious spasm of virtue seized the town. Even Congress was apparently indignant at the "blow off." A Committee was appointed to find the hole that had swallowed the taxpayers' money. Sheppard was notified to give his experience, but before the Committee could arrange to hear it they learned that "Boss Sheppard" was in Mexico. There he

managed—in some way unknown to gentlemen—in a strange land, without money or credit, to buy a large silver mine, which, it is reported, he worked to great profit.

Schuyler Colfax, Vice-President of the United States under Grant, and, of course, President of the Senate, was discovered to be among those tainted statesmen. But he was not tried and punished. He was permitted to die "unwept, unhonored and unsung."

James G. Blaine, the Plumed Knight of the North, first a member of the House, then Speaker of the House; next a U. S. Senator, and afterwards the Republican nominee for President, was caught with some valuable bonds obtained, it was alleged, while Speaker. He was the writer of the so-called "Mulligan letters," that he requested the friend to whom they were written to burn. But the friend neglected to do that favor, and the letters, in Blaine's campaign against Grover Cleveland in 1884, proved a millstone around his neck, and he sank to rise no more. It was during that campaign that Roscoe Conkling, ex-Senator from New York, when urged by Blaine's friends to stump the State of New York for him, informed them that he "had quit the criminal practice."

In 1876—the centenary of The Declaration of Independence, which is still revered by a few who observe it mournfully, as tender, loving hearts cherish the birthday of their beloved dead long after they have passed away—a U. S. Senator, Caldwell, of Kansas, was charged with bribery in buying his seat in the Senate. The proof was at hand, but he prudently and considerately, to save the Senate the formality and expense of an investigation, immediately forwarded by telegram, his resignation to the Governor of Kansas, and silently stole away. Just before Caldwell's hegira, one Powell Clayton, a carpetbagger, who with his harpy cohorts had descended on Arkansas, and by a white, black and tan legislature, had been sent to the U. S. Senate, was accused by other carpetbaggers with buying his seat. The writer was the one Democrat of the Committee of investigation. The testimony was positive, but the Senate failed to give the required two-thirds vote. He was one of the patriots who had contributed an arm to the cause during Lincoln's effort "to suppress an insurrection" covering eleven

States. This, at that time—(only 8 years after the skrimmage) was a certificate of good character throughout the North. One empty sleeve won the battle. Moreover, Clayton was a shrewd wire-puller, and was considered necessary to Republican domination over Arkansas. When the Democrats drove him and his land pirates from office he was held in such affection that a Republican President and Senate sent him as Minister to Mexico.

CHAPTER LIV.

THIEVING, SWINDLING, BRIBERY, PERJURY, AND GENERAL CORRUPTION RAMPANT IN THE "PARTY OF HIGH MORAL IDEAS."

As soon as "the insurrection" extending over 789,568 square miles had been "suppressed," the conquerors, actuated by their own honesty, and, also, by love of the freedmen and a philanthropic impulse to save them from robbery by the "Rebels," hastened to pass an Act in Congress to establish "The Freedmen's Bureau." It was speedily organized over all the "Rebel States." Following Gen. Washington's patriotic example when he issued the order to "put none but Americans on guard tonight," the "Party of Moral Ideas" selected none but good men and true—all being Republicans, and, a fortiori, honest—to protect their wards from robbery, or burglary of the Bureau by the "Rebels." Gen. O. O. Howard, one of Lincoln's choicest generals to "suppress the insurrection," and an exemplar in "Moral Ideas," as well as a shining Christian, was placed at the head of this Freedmen's Bureau. A large brick building for headquarters was erected on F. Street, Washington, fronting South, opposite the Treasury Department. Sambo and Diana, Hannibal and old Aunt Judy, Cæsar and Venus, Pompey and Priscilla, Scipio and Susannah—in short, all the African wards—were assembled and instructed to deposit their dollars, dimes and pennies in the thousand Freedmen's Banks over the South for safe-keeping. They gladly obeyed, and all "went merry as a marriage bell" for a few years.

One bright morning the whole North was apparently shocked by the announcement that "The Freedmen's Bureau was dead broke." Millions of dollars had suddenly disappeared—no one could tell how. The confiding wards were told, as an explanation, that the vast amount of their gold had knocked the bottom out of the Bank. While the negroes' pen-

nies were supposed to be safely cribbed, a negro college was built in Washington. It was christened "Howard" University —in honor of the General whose "Moral Ideas," so exalted, had induced the selection of the General to stand guard over the millions that were the hard-earned wealth of the wards he had risked his Christian life to free. A casual peep into the vaults of the Bank revealed the astonishing fact that a part of the negroes' money, over which he, like a Cherub with the flaming sword, had stood as sentinel, had been abstracted by his right hand, while his left, for a moment, held the flaming sword pointing at the "Rebels." But this trifling incident was passed over when the General, in his innocency, explained that he had only robbed Peter to pay Paul; that is, he had made an equitable arrangement by having all the negro depositors make an involuntary contribution of their money to a select few of their kin, to be educated at Howard University, in Latin, Greek, trigonometry, infinitesimal calculus, differentials, conic sections and football.

There is still another lofty peak to be observed, over which proudly flaunted the Puritan and Republican banner emblazoned with their motto—"Moral Ideas." As this, also, was seen under Grant's Administration, it proves that after this Party of Moral Ideas got its hand on the helm of State there was no time lost in attending strictly to business. Another of Lincoln's mighty generals—Wm. W. Belknap—now steps into the limelight as Secretary of War under President Grant. After "the insurrection had been quelled," Lincoln's troops, except those who were left in the South to hold the Rebels down while the carpetbaggers went through their pockets, were stationed in the West. Near each camp there was a store where soldiers could trade. The privilege of keeping that store was very valuable. The Secretary of War had the power to select the man—a civilian—for that position. The technical name was Post-tradership. It is against the law for the Secretary to sell that privilege. Belknap's wife, of extreme Western type, aspired to reign in Washington society—an easy victory with money, which she had not, but coveted. News reached Congress that Belknap had sold a number of Post-traderships. A committee began to inquire into the facts. Belknap's friends sent

a telegram, and he took the next train for Washington. He had a friend on the committee. He knew every step taken as soon as the committee adjourned. Several days passed. Belknap saw Grant, and they arranged for an escape. When the committee was ready to make their report to the House, and before they could act, Belknap rushed to Grant with his resignation as Secretary written and ready. In less than a minute Grant had signed the acceptance of the resignation, and, thus, the foundation for escape through a technicality was laid. The impeachment however, proceeded. The facts were undeniable, but the brave soldier tried to get away by hiding under the skirt of his wife. She admitted that she negotiated the sales of the traderships. Here was a dilemma. A mighty hero who had commanded a heterogeneous mass of human bipeds gathered from the corners of the earth to put down "an insurrection by Saxon Rebels," some of whom were then judges to sit in judgment on him and strip the epaulettes and stars from his patriotic figure—"it would never do! It must not—shall not—be done!" So his Republican allies filed the plea that the Senate had no jurisdiction to try him, because, a minute or more before the House had voted to impeach him, he had tendered his resignation to President Grant and it had been accepted. With the facts indisputable the majority of the Senate (being Republicans), on this plea of lack of jurisdiction, would not find the accused guilty. The trick won. Truly it is a goodly sight to see brethren dwell together in unity!

Thus far, under Profit and Loss, we have limited the view to a very small number, but they were criminals of the highest rank. They were trustees of the public—Vice-President, Senators, candidate for President, cabinet ministers, generals, and custodians of the country's life-blood—money. Near the same period the country was shocked by another case of bribery and corruption. It involved the mayor, council and aldermen of New York City. Boss Tweed was the mayor and ring-leader. He was convicted. So were a few aldermen.

It is impossible, from lack of space, to particularize in so wide a field of dishonor and corruption, stretching across the continent from Boston to San Francisco, and up into Oregon. Under the title of Theft and Larceny after Trust and Embezzle-

ment, a few of the names enlisted under these piratical flags will be given. No! for the sake of their children, who should not suffer for the crimes of their fathers, the names will be omitted, and occurrences only given.

The officers of the four big life insurance companies, after the investigation by the Armstrong Committee of New York, were convicted of stealing vast sums from their respective companies. Some fled to avoid conviction, some committed suicide and one remains in Europe—to avoid the penitentiary. The Enterprise Bank in Pennsylvania, by its officers completely looted, so that the Receiver reported that there was nothing left. Bank officers in New York City stealing the stockholders' money, and taking promissory notes from their messenger boys for large sums to represent that much good paper for loans.

Another President of a New York bank embezzled the funds, and was convicted and sent to the pen, and used the money to bribe physicians to certify he was slowly dying by an incurable disease, and on that ground secured a pardon. Now healthy and strong as a firedog. The President of a bank in Chicago looted it, was caught, convicted, and is serving his term in stripes, and is known, like Jean Valjean, by a number. The list could be extended into the hundreds. This we have not space to do. We must now take criminals in groups.

Who could have imagined that the purest, the chastest, of all the provinces—the nation's conscience—the paragon of all perfections—Puritan Massachusetts, would ever be found among the fallen? When the wisest, the most virtuous, the exemplar in morality, ethics and virtue yields to the siren's voice, what can we expect from the weak, the ignorant, the uncultured and lowly? "If the righteous can scarcely be saved, where shall the ungodly appear? What "a good amendment—from praying to purse-taking!" With this polished pillar in ruins before us, no tender heart can fail to feel compassion for her weak sisters and to invoke in their behalf the brilliant defense of Sir John Falstaff in his own cause. "Dost thou hear, Hal? Thou know'st in the state of innocency Adam fell; and what should poor Jack Falstaff do in the days of villainy?" Yes, the legislature of Massachusetts was "taken in the act." But under a convenient shelter erected in that bailiwick—similar to the old

English law called "taking sanctuary"—the guilty hastened to fly, and, by making confession on oath, they became immune to punishment.

Philadelphia, the City of Brotherly Love, so rotten for three decades under the guidance of Matt Quay—a leader of Republicans—that the women rose in rebellion, and with the aid of a few of the good men, elected a Reform Government. The thieves in charge of the water works were poisoning the inhabitants. A few philanthropists induced an army engineer to resign from the army, to take charge of the engineering department—by guaranteeing a large salary for five years. But, two years after, the thieves routed the Reformers, and are again in the saddle. This brotherly love bears the stamp of the genuine Puritan and Lincoln coin, as negro men with white wives live in brotherly harmony in fashionable quarters—thus demonstrating the sublime exaltation of the Quakers over such petty trifles as social equality and the mixture of white and black blood. If there could be any one act to extenuate the cruel and bloody persecution of the Quakers by the Puritans it would be found in the tolerance by the Quakers of such degradation. "This is the house that Jack built."

Then comes Pittsburg with a record of crime and corruption blacker than the soot that forms its perennial covering. A band of thieves was found wearing the disguise of Councilmen. They sold everything within their control, including themselves. It is needless to say they were Republicans—descendants of Lincoln's patriots who fought to win glory for him as the Great Emancipator. Another glory due to the Republicans of this Quaker province under the Empire, blazed out in Harrisburgh —the Capital. Its flame lighted up the continent and all of Europe except Turkey, where its uneffectual light was paled by a perpetual counter illumination of like character. This typical Republican condition was discovered in the Capitol Building, in which architect, contractors, supply-men, decorators, experts in statuary, painters, furniture dealers, capitalists and treasurer —all joined in an attempt to rival the New England Puritans in piling up the Tariff. The only slight difference in morals was that the Puritans get Republican Congressmen to do the stealing, while the Republican State-house builders did their

own stealing without employing a middleman. The result was the same—one by indirection, the other by direction without lying about it. "This is the house that Jack built."

New York must not be overlooked. About twenty years ago a Republican legislature appropriated four million dollars to be expended in building a Capitol building at Albany. The work went bravely on. But, after the building was fairly started, "the funds gave out." Another appropriation had to be made. Several millions more were appropriated and, marvelous to tell, after a little more work, in some mysterious way "the funds gave out." Still another appropriation, and again "the funds gave out." The last report, made public a few years ago, was that fourteen millions had been sunk in that building, and it was not finished. The Capitol at Washington —much larger—under a Democratic administration cost seven million dollars. This (Albany structure) is "the house that Jack built."

Chicago followed suit and her trusted guardians began to rob their wards. Every device known to crooks was brought into play. They soon achieved for her the distinction of being "the wickedest city in the world."

San Francisco, so far as the outside world knows, was late in the race, but when she arrived she demonstrated her skill in the game. Her mayor and the city's legal advisers were found in the lead. The city aldermen were grafters only second to her mayor and her legal counsel. The thieves caught had friends more zealous than discreet. One tried to assassinate the prosecuting attorney. He was shot and disabled to continue the trials, but he at length recovered. Graft, graft, was levied on every industry and occupation these thieves could reach. The mayor and city attorney are serving time in the penitentiary.

In Georgia (a State—not a petty province like Massachusetts) in 1889 one million dollars were appropriated to erect a State House at the Capitol. Five "Traitors," who had not fought under Lincoln, were appointed to superintend the work, to purchase material and to audit bills. When the contractors turned over the keys to those "Traitors" representing the State, of the one million dollars there was a balance left in the

treasury. Those "Traitors" had not been taught by their parents and their teachers and preachers the art of stealing. This is not "the house that Jack built." They were not fanatics. With them Avarice was not an innate, ethnic passion. They were not Puritans. They were not Republicans. They had no parents and teachers and preachers and Beechers and Theodore Parkers and other Fagins, to set them the example.

But this Republican corruption was so wide it is of little use to consume time on special instances. We will now take a glimpse at the mass, by noticing a few of the separate fields in which the different classes of criminals have operated. That the tariff has been the matrix of the wealth of this country no one whose opinion is entitled to consideration will deny. That this incalculable wealth has been cribbaged by only ten thousand of the 90,000,000 people is indisputable. That it has been thus gathered in by methods—whether or not allowed by law —that have been no higher than cheating and swindling, is another fact no one but the cheats and swindlers will deny. Only a few of these methods need be mentioned.

The legalized gambling Exchanges in the large cities, the systematic wrecking of corporations, chiefly railroads, by the sandbag blow or by chloroform, or by the garrote. This method of killing is so gentle and skillful as to be classed with the fine Arts. The wreckers purchase a majority of the stock—thus getting the directorship—the property run down—pass dividends—buy the depreciated bonds—default on the interest—then foreclose, sell at a song—pay the price in the preferred bonds—wipe out all stockholders—and finish the steal made, according to law, by capitalizing the new organization at 3, 4 or 6 times the original sum; sell the new bonds at par and a part of the stock, while holding the remainder as clear profit. On this 2, 4 or 6 hundred per cent. watered stock the public pays big dividends.

Gold mines, silver, copper, iron, lead and coal mines exploited by lying representatives to lure and then to rob confiding investors.

Immensely valuable franchises secured by bribing legislators and city councils and aldermen.

"There be land thieves and there be water thieves." Some Republican gentry have a weakness to be large land-owners. The public lands being reserved for settlers and only a quarter section, or 160 acres, being purchasable, and only on condition that the buyer occupy and build on it, the land thieves employ men to commit perjury in pre-empting land and then conveying it to them. Many million acres have thus been acquired. In this widespread thievery a United States Senator from Oregon and another from Kansas were caught.

Under Republican rule Congress has established a banking system by which six men in Wall Street can within one day create a money panic. These philanthropists, in 1907, before the country had risen to its knees from the panic of 1903, conspired to gulp a competitor, and to cripple it they started a panic by calling in loans. They then approached the White House, where was stabled the wildest unbroken Broncho in the land. They whispered some magic words in his ear that, for a minute, so tamed him, that they rode him so joyfully they consented to stop their own panic. They may, because they could, have whispered—"We have under our control the Black Plague. If you do not let us ride you, we intend to turn it loose on the whole people. If you let us ride you, we will be humane enough to let but a few people die."

The Republican Congresses have been but machines in the hands of beneficiaries of the Tariff. Every one sat down in his velvet chair and calculated what per cent. he supposed the Northern patriots would stand. The "Rebels" were not considered, as they were tied to the stake in 1865, and kicking by them was only amusement for these patriots. Each one would then step up and turn the crank, and his per cent., like chewing gum after the nickel is dropped in the slot, would drop out. The only shibboleth to pass the stream and get to the machine was to whisper the amount he had given to keep the machine oiled and running. Under this infamous system of highway robbery by what was called law, brother would drive brother to the wall and ruin him and his wife and children; or a few men, to keep down supply, would buy out competitors, or lease their plants for years, and close them; and after robbing the helpless millions in America these robbers would ship their sur-

plus to distant lands, pay freight, commissions and port charges, and sell to foreigners cheaper than to the patriots and "Rebels" at home.

But there are things in this life dearer than the Union. One is Justice. Another is Liberty. And the western patriots after having been lulled to sleep by the flattering tune of "Saviors of the Union," began to wake up and inquire whence came those soporific, dulcet strains. After forty years of this lullaby, they asked—"Did our fathers fight and die to establish a despotism by Eastern millionaires—the most contemptible of all rulers—a moneyed aristocracy?" And they rose in their might in 1912 to get at this Juggernaut—this Congressional, automatic machine. In the fury of crying "Tyrant" they forgot for a few seconds the word—their old slogan—"Rebels." Ye gods! —what agony they must have suffered—thus to lose all memory!

CHAPTER LV.

THE SOCIAL LOSS.

After the mere glance taken at the financial loss, we will take a brief view of the Social loss. Were it not for the vast difference in the peoples of the two distinct geographic divisions —the South and the North—the contrast in the social conditions of each would be amazing. A century ago the North was overwhelmingly Puritan, the South almost entirely Cavalier. During and since the war the South was and is homogeneous, the North was and is essentially heterogeneous. The South was agricultural, the North was commercial and maritime—especially in New England. The morals of the women of that section, before the war, is vividly portrayed by Dr. Sanger in his astounding book entitled "History of Prostitution." What was terrible then is a hundred-fold worse now. It is needless to dwell on this single social status. It can be summed up in those three appalling words that but a few years past were assembled in such graphic horror—as if the medical world by unanimous voice were to diagnose an entire nation as dying from leprosy. Those triple Furies are—the "White Slave Trade." There was no pollution in the pagan world that approached, in shame, degradation, and power for national ruin, this deadly virus in the body of a Christian people.

This—the social—loss by the war cannot be measured nor estimated. It was one of the mad dreams of the Abolitionists that the Southern men and women would sink under the burden bound on their backs by Emancipation. This expectation has turned to ashes on their lips. Self-absorbed—with noses to the ground, scenting for dollars—they never looked up to take the measure of the white man of the South. They could only see the negro. They turned the table on themselves when, in their madness, they chose the negro as their company. The negro, with all his cranial limitations, is a shrewd observer and reader of faces and character. In his subordinate position as a slave this talent was cultivated beyond that of the master. It was his protection from imposition. When the carpet-baggers

swarmed through the South he read them at a glance. He knew they were of low origin. He had two standards for judging the quality of his deliverers—one was the rank and file of the army, the other, the carpetbaggers who succeeded the men with the guns. By them he judged the people who sent the soldiers to kill and the carpetbaggers to rob. As soon after freedom as they could gather enough to pay for transportation they sought the land where equality, political and social, would be their own. And they have not been disappointed. They have been received with open arms. There is no distinction. Race and color are no bar to society. All are brothers and sisters. The table of the rich is spread for the negro. The white man is just as much a gentleman as the negro. The white lady is on a par with the "colored lady." They sit together as cosily—chat as merrily—as if all were born in Africa.

The three amendments to the Constitution, adopted for the special benefit of the negro, have turned, like the boomerang, to strike the heads that devised and the hands that projected them. The negro is not fastidious in choice of his residence. He does not object to snuggling by the side of or next door to a millionaire, and the millionaire must grin and endure it or move away. He has no objection to marrying a millionaire's daughter—especially of one who paid a Hessian a thousand dollars bounty to murder his neighbors while he sold shoddy supplies to the government and made his millions. Why should not the negro show his gratitude by marrying the daughter? When his white friends pay big prices for a seat to see a negro pugilist beat up a white man, and the negro grows rich, why should he not spend a few thousands to give his white friends the pleasure of his company and that of his white wife on the shore of Lake Geneva, and take a dip therein with them?

This is not the only blessing of the three negro amendments. They have reached out and are blessing far away Boston. There the negro demanded equality in all social gatherings, functions, and in conveyances at entertainments, in gymnasiums—in short, in any place his white equal can go. Having conquered the Whites in the society tilt, he has entered the field of business. He now demands of merchants, tradesmen and others in Boston who employ help that no distinction shall be made in color or

race. If a white man is needed as a clerk, or salesman, the negro must not be given a positon as porter. He must be a salesman. The three negro amendments tell the merchants there must be no color line drawn—what is good for the goose is good for the gander—what is best for the white shall be given to the negro. The three negro amendments—the logical effect of Boston's crusade for abolition—are going back home to bless her as she delights to be blessed—that is, in loss of money. In 1900 her exports amounted to $112,195,555. In 1912 her exports amounted to $69,692,171—a loss of 61 per cent.

In 1900 Savannah's eports were $38,251,981. In 1912 Savannah's exports were $104,266,295—a gain of 173 per cent.

As New England never fails to get what she wants, it is fair to presume she does not want any exports. As she worked furiously for fifty years, and fought for four years, for social equality with the negro, and as she got it, it is fair to presume that she desired it. This is another of her successive and unbroken line of triumphs.

In the second chapter the names affixed to counties, towns and postoffices by the Puritans in Massachusetts were put in evidence to prove that they have little, if any, respect and reverence for their mighty ones of old. They either lack that pride of ancestry which prompts children of other nations to perpetuate the names of their glorious dead by association with inanimate objects, or they were sublimated above such sublunary artifice. This singularity of the Puritans is recalled because it seems to be progenitor to another phase of the same indifference to ancestry as well as to posterity. In this latter view is involved all the fanatics who swarmed out like bees from New England's hive all over the West during sixty years before the Abolition War.

The Greeks, the Romans, the Egyptians, the Carthagenians, came in contact with the negro for thousands of years, (counting the Egyptians). They are glibly reckoned as Pagans. There may have been illicit admixture, to a small degree, of the negro with one or more of those nationalities. But they had laws to regulate marriage and by those laws marriage with negroes was not permitted. Pagans though they might have been—even though they were—yet they had that virtue, pride of race. They

did not become mulattoized. Through wealth, the White Plague of Nations—followed by ease, luxury, indolence, dissipation, individual flaccidity that became national (the tubercular symptoms)—they became degenerate and fell a prey to robust, younger neighbors.

"There is the moral of all human tales,
'Tis but the same rehearsal of the past.
First freedom, and then glory, when that fails,
Wealth, vice, corruption—barbarism at last."

If there be any social condition more horrible, and demonstrative of a people's decay, than the White Slave Trade, it is to be found in the loss next to be considered. And that it is the legitimate offspring of Lincoln's insane ambition to involve the States in war, in order to reach his heart's desire—to be the Great Emancipator, his only chance to escape dumb oblivion—is as true as that religious fanaticism is remorseless, and is blind to consequences. This subject is the social condition in the North between the negro and the White races. In order to present this vital question in its true light, a brief retrospect will be helpful.

There are but three distinct divisions of the human race—the White, Black and Brown. The White and Black are as distinct as are the two miscalled colors—white and black. The Brown Race includes Mongols, Malays and Indians. Ethnologists are not decided on even the difference in origin of these three divisions of the Brown. Recent devlopments by archaeologists in the two Americas point to unity of the Indian with the other two divisions of the Brown. The geographic home of the White race has been in the territory known as Europe. The Aryans, Pelasgians, Assyrians, Jews, Medes, Persians, Greeks, Romans, and the nomadic tribes known as Goths, Visigoths, Huns,—were all of the White Race. It is the only race of diversified individual types. Black eyes and black hair have uniformly and persistently marked the Black and Brown races. Physically, the White has been diversified in all the glory of the rainbow. Hair—the ornament that crowns the head—is black, near black, auburn, brown, chestnut, golden, flaxen, blonde, yellow, red. The eye—the mirror of the soul—is black, dark, hazel, brown, blue, gray, or with little isles of gray anchored in a sea darkly, beautifully blue.

This has been, from time immemorial, the conquering race. Its path has been progress. Its march has been steadily upward—rising from the valley to the world's mountain peaks; conquerors not of men only, but of nature, subduing nature without, and making it contributory to man's physical wants, his pleasure, comfort and luxury; and, likewise, conquering himself—his natal ferocity, his wild appetite—cultivating and refining his crude justice, and as he rose he captured from his feathered companions their notes of joy floating in the air, the music and rhythm of the sea, and wove them into the rapturous melody of song.

From the rushing, roaring, bloody drama of life he condensed its essentials and unities and presented them to the eye to teach the living virtue, honor, refinement and philosophy. His is the only eye that God has endowed with appreciation of the Beautiful; of the harmony of Nature. He alone with creative vision sees the exquisite grace, the bewitching figure of a Venus, Minerva, or Galatea in the marble, and bids them come forth. His race alone has given birth to a Plato, an Aristotle, a Demosthenes, a Cicero, a Milton, a Shakespeare. From his race alone sprang an Alexander, Cæsar, Hannibal, Washington, Napoleon, Wellington and Lee. As explorers of the Universe the White Race alone can call the roll of the Immortals—Galileo, Newton, Herschel, and a thousand more scarcely less distinguished who have made the stars as familiar to us as household words. And this race in its wanderings for untold ages, has never, before the last century, debased its blood by marriage with a negro!

In the seventeenth century the Puritans and Portuguese, impelled by insatiable avarice, cast their hungry eyes over the earth to find a field for spoils. Darkest Africa—to use a solecism—loomed in sight. God, for a wise purpose unknown to but surmisable by man, had assigned a continent to the negro as his separate habitation. He had walled it in by Earth's wildest and most forbidding desert, and by two vast oceans. The Puritans and Portuguese broke through the Western barrier, and for two hundred years the Atlantic's waves were fretted into foam by day, and illuminated by phosphorescence at night by hundreds of Puritan ships packed with negroes in chains,

making for any port of least supply and greatest demand, to convert human flesh and blood into gold. During two hundred years? Yes, and longer. For, in 1830, standing on Plymouth Rock—that sesame that opened the door of Liberty to the Pilgrim Fathers in 1620—Daniel Webster pointed to factories and furnaces where manacles and fetters were being forged for the hands and feet of African victims of Puritan avarice, waiting three thousand miles away, to be fed to trailing sharks or to be greeted on New England's shore by her flag proclaiming liberty and equality to all men.

It was reserved for the New World, led by New England, to teach the Old World the advantage, lost by it for so many ages, of legalizing the commingling of the blood of a black negro and a woman of the White Race—to stock this "Nation" with an improved type. It has been truly and justly said by a wise man that he who is clothed with power to prevent crime, and stands by and sees a crime committed, is responsible for the crime. A people who have the power to enact laws to prevent the marriage of negroes and Whites, and refuse to pass the law, is guilty of the degradation of the woman and of the White Race. The Northern Pharisees—who make broad their phylacteries and say to the poor Publican, "I am better than thou," by that breath are sowing the winds. Let us reason awhile on this social condition. Laws are not to protect the strong. Their wisdom is based on the assumption that the strong can protect themselves. As a rule this is true. But reflection for a few moments will reveal its fallacy when applied to the subject now under consideration.

The family is the unit in all societies, all States, all Nations. When the family, or unit, degenerates, the nation, or society, necessarily degenerates. The strongest nation is the one composed of the strongest units, or families. And the strongest units, or families are those held together by mutual affection, love, pride, and personal virtue and honor. In which race are found these threads that form the bond of family union—the White or the negro? It is absurd to make a comparison. When these qualities belonging to the White Race are diluted one half by negro blood, the unit is weakened one-half and the nation in the same ratio. The Northern "provinces" are

stocked with the most heterogeneous mass of humanity gathered together in any part of the earth. There are millions of immigrants who were little better than slaves; who had no social rank; no pride of race, and who affiliate with negroes on perfect equality. To what that leads no one can be in doubt who knows the negro.

Again: The danger to Northern society does not rest alone with immigrants. There are women and girls, of as white blood as the Northern Pharisees, who have been ground down by the heel of Avarice—of greed—to the depth of desperation. They are the class who are driven day and night in mills and factories; into serving in sweat dens until they have not the energy to sing Hood's "Song of the Shirt." There are hundreds of thousands of shop girls pinched by poverty and starvation wages, who, after the day's grind, are forced to take the way that leads down to Hell.

CHAPTER LVI.

WHITE SUBJUGATION.

The only item of profit (if such it be) is freedom for the negro. The next subject for review is the subjugation of the white race. The first field is the political. It is not necessary to enter the iron gate of Pandemonium that the Abolitionists established, from hatred and venom, over the South during the dictatorship of a mulatto woman, and called "Reconstruction." That was but the dying gasp of the malicious foe that waged that unholy war. It was the wisp with which the Phillistines bound Samson. It was soon broken and the Southern white man was free, and has since held the position to which God assigned him. How is it in many of the Northern "provinces?" Is the negro, or the white man and the white woman under the yoke there? Let history answer. In eight or ten States the negro they freed holds the balance of power. After freedom they flocked to their friends where they could have the joy of social equality. And now, holding the balance of power in those States, and in at least 60 Congressional Districts, they crack the whip over the politicians' backs as Southern overseers were privileged to do over the slaves. The closer the State, or the District, the more exacting and insolent the black suffragan becomes, and the higher the price to be paid for his vote. This condition did not and could not exist before Emancipation. In these cases, who is under the yoke—the negro or the white man?

But this is not the worst fact that alarms the patriot. The moral aspect is the one that statesmen should consider. The politician thus obsessed to get office, must degrade himself. He sinks his manhood. He must buy his office. In no view is he more of a man than a candidate for the Senate who buys legislatures. He takes his ignoble stand with Senator Lorrimer. If he does not feel his degradation he was self-abased beforehand. And he is a fit tool for the tribe of which Oakes Ames was a High Priest. The migration of the negro to the Northern "provinces" is rapidly on the increase. He is lured by social

equality and there only he can find it. He is inexorable in his demands. Give him an inch and he will take a yard. He now holds the politicians in terror. There is not a gentleman among them who is willing for his wife or daughter to be rubbed by negroes in street-cars, in restaurants, hotels, theatres, or be locked in Pullman sleepers with them. And yet they have not the courage to advocate and to insist on separation of the negro from their families. Who is under the yoke—the negro or the white man?

Scattered through the Northern "provinces" are weekly papers edited by negroes and supported by negrophilists and politcians, "for favors to come." There is hardly an issue of these parasites that is not a demand, directly or indirectly, for social equality. They hammer away at Jim Crow cars and at every thin partition that obstructs them from rubbing against white men and women. And the white politicians dare not and the Northern white press will not notice this social incendiarism. When the stifling odor of the Jack Johnson miscegenation flooded the air of the continent—one white woman a suicide and another named Cameron in his clutch—these editors (?)—notably one in immaculate Boston—threw defiance at the white race for holding its nose because negroes and whites in the Northern "provinces" unite "in the Holy Bonds of Matrimony," take their joyful bridal tours, enjoy their honeymoons, and then "settle down" to raise a crop of mulattoes—all done according to man's law up there in John Fiske's "provinces."

Under Republican rule and its tariff there has been organized a system of financial despotism unknown before in the history of any kingdom, monarchy, autocracy, or empire. And this net, too, gradually, cunningly, secretly woven around 90,000,000 people who boast of freedom and equal rights, by traitors chosen by their own ballots. Their selected agents have sold them into slavery. They are owned by Trusts, Monopolies, and Corporations—united in one great conspiracy to strip their victims down to poverty. And above and controlling and directing this band of unnumbered conspirators sits the Banking Power with its throne in Wall Street. Yes, the patriots feed the negro, and now they wear the yoke a thousand times more galling to white men than slavery at any time and in any coun-

try was or could be to the negro race. When a disguised highwayman meets a traveler and, holding a gun to his head, demands his money and takes it, he is called a robber, and in law-abiding England, when caught, he is hanged like a dog. When thousands of men wearing the disguises of Trusts, and the Tariff, combine their strength and rob the farmer while he sleeps—not of a purse, but of a quarter of his year's earnings —they, in America, are called gentlemen, and are "the Lord's anointed."

One local loss by Emancipation no one will deny. It falls on New England—the first loss she has not been able to dodge since 1789. Being financial and self-inflicted, it is the hardest blow she could receive. Before she led the Abolition horde to put Lincoln in the saddle she was America's monopolist in spinning and weaving cotton. The South has taken from her, within twenty-five years, nearly half of the millions she would have made by her mills. And within the next quarter-century this industry will be monopolized by the South. Already, the South consumes more bales than those six "little provinces" in the Empire. Another loss to New England is her rural population. The "provinces" of New Hampshire and Vermont have been, to a large degree, deserted. Farm houses are decaying. Lands once occupied and productive are now returning to the wilderness. Eliminating Boston, which is one-third of Massachusetts, the congress representation of New England is as follows:

Massachusetts ----------1789—8; in 1860—10; in 1910—16
Maine ----------1810—7; in 1860— 5; in 1910— 4
Connecticut ----------1789—5; in 1860— 4; in 1910— 5
Rhode Island ----------1790—2; in 1860— 2; in 1910— 3
New Hampshire ----------1789—3; in 1860— 3; in 1910— 2
Vermont ----------1790—2; in 1860— 3; in 1910— 2

Sic transit gloria "provinciarum."

CHAPTER LVII.

JOHN BROWN—A BRIEF ESSAY ON A SMALL SUBJECT.

I.

There are reckoned seven wonders of the world. All these are physical or material. The wonders in the mental, spiritual and psychic world have not been segregated and named, although they are much more numerous and interesting. It is my purpose to speak of one, only one, of the psychic wonders—the mastodon of all. It is this: That of ninety million people—two-thirds North and one-third South of an imaginary line—all professing the Christian religion, the same patriotism, speaking the same language, under the same laws, pretending to have the same pride of race, equal love of and devotion to their children, equal jealousy of good government, two-thirds North and one-third South of an imaginary line are diametrically opposed to each other on questions of the best government, on patriotism, rebellion, treason, morality, common decency, common honesty and personal honor. As will be shown, this difference is so wide, so shocking, that what on one side is lauded and honored as patriotism, is denounced on the other as treason; what is applauded with shouts and screams as philanthropy by one, is promptly punished by the other as common stealing; what is glorified on one side as an act approved by God, on the other side is adjudged, without a dissenting voice by even unethical negroes, as murder of the foulest type. What is memorialized by monuments in granite at the North is declared felony by white and black in the South—where its only monument is a temporary wooden gallows.

Can there be a more astounding wonder than this? It is not only a wonder, not only a mystery, but it is dynamite bedded under the foundation of our government with an electric fuse attached. Even on political economy the two sides are so far apart that, while one holds it to be their duty to

support the federal government, the other indignantly demands that the government shall support them. To bring into full view this wonder in morality, character, religion, common decency and honesty, I shall cite and unfold but one instance, that of John (Osawatomie) Brown. In order to form a correct judgment on the right and wrong of the difference between these millions of people about this Brown, we must know some of his most prominent acts. I cannot soil this little essay with any more than a skeleton sketch of this saint, or demon, as he appears on one side or the other of an imaginary line.

John Brown was, or is (as he is still marching on) a lineal descendant to the fifth generation of Peter Brown, a Puritan of the Mayflower flavor and vintage of 1620. He was born in Connecticut in May, 1800. In 1805 his father moved to and settled in Hudson, Ohio. There John grew up and learned the tanner's trade. He went back East, quit tanning and filled a little postoffice at Randolph, Pennsylvania. He then speculated in land and lost out. He next returned to Ohio (1840) and raised sheep and sold wool. His next resting place (if he ever rested at all) was in Springfield, Mass., in 1846. There he speculated in wool again; offended New England manufacturers, who combined against him, and he migrated to London, England. There he lost the little gains he had. He returned to New York in 1849 and settled (if he ever settled anywhere) in North Elba, N. Y., and went into the wool business again. For ten years or more he had been what was called a "conductor" on one of the many "underground railroads" that were run from all the Southern States to Canada and that carried nothing but negro freight and returned empty in ballast for other freight. Brown did a business that extended from Massachusetts to Iowa. There were thousands actively engaged with Brown in stealing—among them, as the biggest thieves, were Henry Ward Beecher and Theodore Parker, New England's highest priests. There was no competition; the only opposition was a rivalry to have it decided who was the greatest thief.

Brown married twice and had twenty children. In 1854 his five eldest sons left Ohio and went to Kansas. In 1855 their father joined them at Lawrence, Kansas. He gathered a band of thriftless "squatters" and boon companions and his work

of death began. His fellow fanatics made him out a flesh-and-blood Galahad, for they record as history that "with 29 men he routed 500 Missouri, ruffians"—one of the many terrible anathemas used then to describe every owner of slaves. He returned to Massachusetts to get money and guns to help save "Bleeding Kansas." After enough murders had been recorded to his credit to win the coveted title of Northern hero, he drilled a body of men to go to Virginia and seize a high mountain, to descend into the valleys, steal slaves, conceal them on the mountain and bill them through by underground railroad to Northern States and Canada. When the drilled men were told his plan they refused to go. He proposed then to seize Harper's Ferry and they refused to go. Brown then went to Chatham, Canada, assembled a few negro refugees, an English poet named Richard Realf, another white man named J. H. Kagi (supposed to be son of the celebrated gambler in Washington, D. C.), and called the motley crowd a Convention. They then adopted a Constitution for the government of the United States and formed a government by electing our hero, John Brown, Commander of the Army and Navy; Richard Realf, the poet, Secretary of State; J. H. Kagi, Secretary of War; and the Hon. Elder Monroe, a negro and a preacher, President of the United States. (The first and last negro President.)

When we consider every disadvantage Brown labored under from birth (including his Puritan blood), his failure at everything he undertook—tanning, sheep raising, wool gathering, trading in wool, land speculation, his failure to conquer Virginia with the strong aid of 20 men, including his negroes—and considering, also, that he was a model lunatic, it must be admitted by all good and unprejudiced judges that our negro-thief, Brown, came out of that Convention covered with all the glory his fellow lunatics could reasonably ask. At least, they—his fellow lunatics—found in Brown's constitutional Convention, held in Canada, and in the election of officers, ample grounds for their—his fellow lunatics'—decision to erect a granite monument to Brown (in Boston, in the State of Massachusetts), and all they—his fellow lunatics—had to do to insure ample contributions to build this—the first monument ever erected in honor of a lunatic—was to preach a few lusty ser-

mons portraying how John murdered men and boys in Kansas and slave owners in Missouri, and stole their slaves and run them into Canada, and to add, as the climax to his career, his magnificent invasion of the entire State of Virginia, which only failed for a dozen reasons, each of which was more than sufficient. And it really begins to appear, in the light of John Brown's birth and biography, his misdeeds and attempted deeds, that his fellow lunatics were justifiable, by kinship and affinity, in perpetuating his memory.

In June, 1859, Brown changed his name to Smith, went to Virginia, said he wanted land to raise sheep. He stopped six miles from Harper's Ferry. Soon three of his sons joined him and other tramps straggled in as sheep raisers. With six negroes this band of assassins numbered twenty-two. They had brought and hidden guns and ammunition. On October 16th they sneaked into the village of Harper's Ferry before dawn, surprised the watchmen at the arsenal, took possession, captured Col. Washington and imprisoned sixty citizens. Brown told passengers on a Baltimore train that passed at daylight that he had come "by authority of God Almighty to free the slaves." The Virginians gathered quickly. Col. Robert E. Lee, with a few soldiers was ordered from Washington to recover the Government's property. A battle ensued. Brown, having lost all but six men, took refuge in the engine room. The two sons were of the six. One son was killed; the second, mortally wounded, fell. Brown knelt between their bodies, felt the pulse of the dying, and gave orders to the four survivors to "sell their bodies as dearly as possible." He was captured by Col. Robert E. Lee, duly tried as a murderer, convicted and hanged.

The foregoing sketch of John Brown shows a small part of the record out of which the wonder grows. It is very meager, considering that over forty-five years were actually wasted in wandering, speculation, murder of slave-holders in Kansas, and stealing negroes. The last—murder and stealing negroes—might be called rightly his vocation; all other works his avocations.

Stand on the boundary between Kansas and Missouri and listen to the opinions on John (Osawatomie) Brown, as ex-

pressed by the citizens of these two States; then proceed eastwardly to the line between Virginia and her eldest daughter, Ohio; speak of John Brown and Harper's Ferry, and note the battle of words that instantly begins. Move on into Pennsylvania and New York and note the rise in tone, the extravgant laudation of the nation's greatest hero. You imagine that Washington or Andrew Jackson or Grant is in the speaker's mind. Cross the Western border of New England and listen. What delightful harmony—what a happy family—on John Brown! No logomachy here! All exclaim: "What a wonderful man! What a hero! What a martyr! He kissed a negro baby and marched right up to the gallows—didn't even wipe his lips!" And mingling with the dull hum of loom and spindles, breathing a sigh into the lessening swell of the lullaby, synchronous with the swing and ring of the anvil, beating time with the commingled multitudinous roar, crash and tumult of commerce, we hear from every hut, shop, shelter and rank, in droning, crooning moan—and almost monotone—

"John Brown's body lies a-moldering in the grave,
But his soul goes marching on,
Glory! Glory! Hallelujah!"

Draw near to the center of all fanaticism, Abolitonism and Puritanism—Boston town—where alone American genius, unsandaled, must repair to win a civic crown, or wither and perish in outer darkness, and you hear shouts of praise and glorification—"Glory, Glory, Hallelujah!" belaboring the air in honor of John Brown, and you behold Faneuil Hall illumined like Solomon's Temple, in preparation to set Boston's seal of Deity on John Brown; and you see her High Priest, Ralph Waldo Emerson, rise and raise his holy hands, square his divinely illuminated countenance to the ceiling, and in tones of awe declare in words inspired by Mammon, and enmity to and hatred of the South—"The murder of John Brown has made the gallows as sacred as the crucifixion of Christ made the Cross."

It is not surprising that this new Divinity was first created and then discovered by New England, whence the Christ of the Trinity, in whose name and worship the Puritans persecuted and killed Quakers and women and children, was banished

near a century ago by many such spiritual tyrants and tinkerers in creeds as Henry W. Beecher and Theodore Parker, and where recently a woman—thrice married and once divorced, and a mother—made of the common clay of New Hampshire—was believed by many thousands to be immaculate and her body immortal. As, there, Christ has been rejected, not even an eyebrow was raised in wonder because John Brown was first recognized, then eulogized, panegyrized, then canonized and raised to a Deity. New England's process of reaching this conclusion is plain: Christ, the Son, is the equal of God, the Father, and, of course, has all the attributes of the Father. It was the attributes of Deity that sanctified the Cross, therefore, as the hanging (or crucifixion) of John Brown sanctified the gallows as much as the Cross was sanctified, John Brown possesed the attributes that Christ possessed. Boston selected her poet-priest, prophet and poet-philosopher to make proclamtion of her great discovery of a second Christ.

The remainder of the story of John Brown's deification can be told in few words. Of course, all that could be done to the honor and glory of New England's newly discovered Deity was done promptly by his worshipers. The first thing was to compose a hymn devoted exclusively to the fresh Divinity. A genius was inspired—of course by the brand new little anthropomorphic God—to write up an account of him and what he was doing in the next world. And the inspired idiot began by assuring the friends and worshipers of their freshly molded Christ that "John Brown's body lies a-moldering in the grave."

What a brutal consoler—especially as he was of the gentle, sensitive, mimosa strain called poet! To make a god, out of hand, and in one night, in Faneuil Hall, and to forget or neglect to pump omnipotence into him, or to screw wings on his shoulders, was an unpardonable oversight. On second thought it is clear that the poet was right. He knew more of New England's fresh find than the crowd that put it together knew. When he was selected as New England's poet laureate to compile a sacred hymn, when the divine afflatus struck him, he, if truthful, had to take things as he found them and sing John Brown's body buried in the ground just like common folks—deity or no deity. But the second line of this doleful hymn dedicated

to New England's manufactured and therefore dearly beloved god, is an anomaly in poetry and logic. It is creative, and also iconoclastic. It denies New England's worshipful contention of Brown's Christship by denying his body's resurrection, and in the same breath by putting that old terrestrial vagrant and tramp on an eternal marching the instant he died. Think of a deity dead and his body "a-moldering" and his soul starting out on an interminable tramp!

"But his soul goes marching on!" Marching on! Where is it going? The orthodox doctrine speaks of only two directions a disembodied soul can take. One is to Heaven the other to Hell. On which road is this constitutional tramp marching? I do not mean by "Constitutional" that old effete paper that New England denounced "as a covenant with Death and an agreement with Hell." I mean a tramp from birth, by nature, a constitutional vagabond on sea and land, as a duck is by nature amphibious. The length of his journey, the time already elapsed since he started out, raise a painful doubt as to that soul's destination. We are told in a song by his fellow lunatics every day in many spots, from Maine to Alaska, that John Brown's "soul goes marching on." They have had it "marching on" more than fifty-two years by Shrewsbury clock. At three miles an hour as its pace, his worshipers have made that poor old lunatic march more than one million three hundred and sixty-six thousand, five hundred and sixty miles, a distance more than fifty-six times the circumference of the earth. Picture the scene as sung so lovingly by three million white soldiers, and by three hundred thousand negroes disguised in blue uniforms, "playing soldier" during the Aboliton War, and each one believing John Brown's soul was keeping step with him. What does that prolonged pilgrimage mean? That he was born a tramp and full of wanderlust; that he was descended from a Pilgrim, and came of a tribe of fanatics called "Pilgrim Fathers," does not explain this interminable tramp. Either all these worshipful singers are hoodooed or are the dupes of a cruel joke put on them by the lunatic who wrote this dismal hymn on Brown's soul (the equal in the North to Christ); or it is not on the road to Heaven, but is headed for a hot place he is trying to dodge. For this tramp is either voluntary or

compulsory. If voluntary, could any one but a lunatic dawdle and fool away time on the way to Heaven? But the hymn assures us that "his soul is marching on!" He has not stopped a moment, no not even to kill a few Missouri ruffians and slaveholders, nor to set up his Constitution and Government for the United States, with his negro President.

The first human to go to the Judgment Seat after death and return (to tell the tale to Socrates) was Er. One of the many differences between Er, the ancient, and John Brown, the modern wonderful traveler, is that Er told what he saw, and Brown, after marching more than fifty years, shows no symptoms of returning. It seems that the second Fury has cursed him with wanderlust (the mark of a tramp), to continue forever. I base this view on the religious belief throughout the Northern States—and especially New England, as is sung in their worship of John Brown, their Second Christ—that his soul is still marching on in a tramp that began the second day of December, 1859. It would be a marvelous faith if held by a people who claim to be rational on most subjects, but it is not even surprising compared with belief in witchcraft and the faith that hanged Quakers. It is idle to make war on millions of people because they believe an absurdity in religion, especially when a part of their sacred music is inspired by an absurdity; a people who have a monopoly on intelligence and are really rational on making money, who could and would believe John Brown the equal of Christ and who honor his holy name in sacred music, especially just because their greatest philosopher, poet and writer, Ralph Waldo Emerson, proclaimed Brown the equal of Christ in the hour of his death on the gallows; but we cannot forget their belief in witchcraft to the extent of committing murder to destroy it.

CHAPTER LVIII.

JOHN BROWN—A BRIEF ESSAY ON A SMALL SUBJECT.

II.

The difference or rather one of a hundred differences between Er, the ancient excursionist, and John Brown, the modern globe-trotter, is, that Er tells what he saw, and Brown can't tell what he has seen and sees. If he could he might explain his tardiness or truancy. Er says he reached the judgment seat in the twinkling of an eye; saw the righteous justified and ascend to Heaven, and the wicked condemned and descend to Hell. If Er's soul reached its destination so quickly, why does the soul of old John delay over fifty years. The reason is evidently he is not bound for the Kingdom of Glory, and that his father, the Devil, in consideration of his supremacy over all the earth as a thief and an assassin, has granted to Brown a special dispensation to pursue, for a season, his earthly vocation as a tramp.

The first line of this most popular of death's-head hymns suggests that the hymnologist must have been of the tribe of Puritan historians, who, as a class, are the most perfidious betrayers of truth in the world. For instance, this line assures us that John Brown's body, fifty years after he was hanged, is still "a-moldering in the grave." We have been told this marvelous fiction every hour in every day in every year for fifty years, in hut, or house, or palace, or dive, or bar-room, or theatre, or in Veterans' Camps strung from Portland to Portland over the North. This strains credulity to the degree that it recoils and breaks. Though deified old John had been a tanner his hide would not have kept him "a-moldering" one year. But he was not a tanner. He learned that trade when a boy, but he bolted the guild, and took up with sheep and a-tramping. There may be some good, honest, truthful people in the back-woods of Vermont or Maine, who moan out this

hymnal falsehood. They, poor souls, think this perpetual "a-moldering" is proof of Brown's immortality, whereas the truth is that John Brown's body, like great Cæsar's long since turned to clay, may be feeding a flourishing apple tree, and his dust in the form of fruit may be shipped down South in the third or fourth class apples that come this way, and thus, old John, the negro thief, may at last, by mastication, be associating for the only time in his life with gentlemen and ladies —very much to his astonishment, discomfort and disgust, for it is reasonable to suppose that his social tastes were similar to Thomas Wentworth Higginson's, who, a few years before his death, said that when he was a young man he always kept the best company, which he said was abolitionists and negroes. It may not be known by everybody that he was one of New England's great scholars and philosophers, who took great pride in stating that a great part of his activity in his early life was spent as a negro thief.

In view of this almost certain transmigration from dust to fourth-class apples, the worshipers of the Prince of negro thieves—not excepting Theodore Parker, Garrison or Henry Ward Beecher—should amend the second line by striking out "soul" and inserting "dust," or better still—"dirt." Both truth and science demand this correction. At any rate, it seems that the South shall never be rid of New England's second Christ. We met the assassin in Kansas; saw him next at Harper's Ferry; then we saw him hanged; we saw him buried; we have heard him preached; we have heard him sung; we have seen him perched on a monument; we have seen him "a-moldering," and now we are to chew and swallow him in homeopathic doses.

There is a numerous class of Southerners who have no doubt that John Brown was an incurable lunatic. He was born under the curse of the Furies. He had to wear the bane of as calamitous a heredity as ever fell to the lot of any man in a civilized age. He was not only a Puritan, but that blood had been distilled and concentrated in him for five generations, without a break, before the landing at Plymouth Rock. Considering his inheritance of Puritan religious fanaticism and of mental and moral obliquity, his chance for sanity was comparable to that

of one's chance for health and longevity who is born the victim of leprosy, cancer and the white plague. One evidence of his mental limitation was the pride he felt in his Puritan stock. When a man boasts of a personal misfortune, or a hereditary calamity, he is either insane—pro tanto, at least; or he is trying to lay the foundation for his defense by plea of lunacy for a crime he intends to commit. The latter was not true of Brown, for on his trial for the murder of a dozen or more Virginians he rebuked his counsel for attempting to plead insanity. His career indicates that he imagined he had a call from the Invisible World to do, by desperate daring, some terrible deed, so he would live in history as a hero and martyr. When the train for Baltimore passed Harper's Ferry early in the morning that Brown occupied that place, he told the passengers that he had come by divine direction to free the negroes in Virginia. He had no doubt read of Erostratus, who, to gain immortal fame, burned the temple of Diana. He saw that acquittal on the plea of lunacy would leave to him but a brief mention in history and pitying remembrance as a madman, a fool or an idiot who, with twenty-one men (six being negroes) atempted to conquer the State of Virginia. He won his fading laurels as a hero in a small region where heroes have never been plentiful except as conquerors among gamblers on the Exchange; and as a murderer he won the crown of martyrdom and exaltation to equality with Christ, on the gallows which, in the same region, had made "blessed martyrs" of so many Quakers, women and children. Every recorded act, from the age of twelve years to his invasion of Virginia, strongly supports the judgment of insanity. At twelve he expressed his horror and disgust for all that pertained to war, only because he saw some soldiers drilling in Ohio during the war with Great Britain in the year 1812.

I have said he was born under the curses of the Furies. He was as restless as a caged tiger in a circus. He had over twenty homes, or squatting spots. The range of his itinerary was wide, and, like himself, very erratic. It extended from Connecticut, Ohio, Pennsylvania, Ohio again, New York, Canada, where he established his Constitution and United States government; then London, England; then New York, then four

different spots in Kansas, New York again; then in Virginia to raise sheep. Here is the curse of the Fury Alecto—"restlessness—wanderlust." The two other curses—"Envy" and "Thirst for blood"—he put on exhibition from his majority, all through the Kansas war (so-called) down to his attack that Sunday night on the sleeping citizens of Virginia. When not engaged in assassination he gave the world proof of his decency, honesty and heroism by stealing negroes.

It was impossible for a sane man to plan the seizure of a mountain in Virginia and to hold it as a permanent camp for runaway negroes. It was impossible for a sane man to call a convention of a few negroes and fewer whites in Canada, to adopt a Constitution and organize a government to rule the people of the United States. It was impossible for any one except a lunatic, abolitionist or Republican, in such a convention, to elect a negro President of the United States. It was impossible for any one but an idiot or a maniac to believe he could conquer the white race of Virginia with sixteen white men and six negroes. It was impossible for a sane man who loved his family to take three of his sons, who had families, to train them in the crimes of stealing and murder, and then lead them into a trap from which any sane man knew the only way out would be by a hangman's rope.

Who can doubt now—fifty years after Brown's death—that he was a fanatic of the truest Puritan brand, a lunatic, a monomaniac on negro slavery? It seems to be beyond the field of rationalism for any other view to be considered. If this judgment be sound, then it was the duty of the presiding Judge on Brown's trial to receive the plea of insanity, and of the jury to find him a lunatic, and, therefore incapable, in legal contemplation, of committing murder. The Lunatic Asylum was his proper destination. He had won that goal by a laborious life of crime. The hanging was a judicial error, and, considering the time, its temper, and the general insanity on negro slavery that prevailed from Nova Scotia to the Pacific ocean, the hanging was also a political blunder. John Brown, the lunatic, immured in an asylum, would have been forgotten within a month; John Brown as a martyr to negro freedom was an inspiration to all the Abolitionists and fanatics at the North

and to the federal army during the war. The song, "John Brown's body lies a-moldering in the grave" and "his soul goes marching on," was the best substitute for courage the Northern armies could devise.

I have given in a feeble way the extent and the intensity of the admiration of the worshipers of John Brown at the North. I will not attempt to give the language that expressed the Southern view of John Brown; suffice it to say their curses cover him, as with a garment of many colors, from darkest sable to that of the sun; from Dante's deepest shades of the Inferno to the smoke, lava and flames of Vesuvius. The form, stature, body of these expressions were made up, in part, of "fanatic," "Puritan," "villain," "Negro-thief," "robber," "murderer of men and children," "assassin," and these, used as the spiritual limbs of John Brown, were clothed, garnished and embellished by verbal costumes thick and warm enough for a residence at the Arctic pole. And the pity of it is that every charge is true and all, except two ("Puritan" and "fanatic"), were won by his own devilish diligence. "Puritan" and "fanatic" he was not responsible for, as he was born a Puritan and was by birth a fanatic, as his ancestors had been from the fifteenth century.

That John Brown was a negro-thief for the last thirty years of his life, no one denies. To steal a slave from his master and run him into Canada was not branded stealing. It was philanthropy, humanity, serving God. To creep at night upon white Southern men and boys and butcher them in their beds was not murder, it was philanthropy and humanity to the negro and done in the service of the Lord. To invade a sovereign State between midnight and dawn and shoot to death white men and boys at Harper's Ferry was not murder, assassination and treason. That act—that conduct—was the sublimest heroism; a sacrificial offering of himself and his sons to advance the cause of universal freedom. To head a posse in Kansas; to pass into Missouri at night; overtake a master who was moving his slaves to Texas; to kill the master, seize his slaves, rush them into Kansas and thence to Canada, was not stealing and murder. Stealing? Murder? What? A devout, refined, wealthy, cultured, supremely educated, superlatively civilized

people—Christian to any degree of differentiation in creed or denomination that any sinner might call for at the bargain counter—to be guilty of the low, mean, hang-dog, plebeian crime of stealing? Sir, it is impossible! It is infamous even to think of it, Sir! Well, we will discuss the ethics of stealing negroes and of murder at another time and in a different manner.

The North and the South! What a contrast—not geographical—but ethnic, social, moral and religious! They meet, but do not mingle. They reside under the same roof, but, like man and wife estranged, each occupies a separate room. Like man and wife who have quarreled and parted, they speak on business, but nothing more. There is no subject from dolls to religion on which they agree. On economics they are foes, as much so as the highwaymen, Dick Turpin and Jack Sheppard, and the travelers they robbed on Hounslow Heath. Communication occurs only when one, peering over the partition, sees a big nugget—as a railroad, water-power, coal mine, iron mine, street franchise, and bribes the owner's servant to steal it; or when overloaded with protected wares he is hunting a market. While one is striving to keep pure the blood of the white race, the other has been striving for fifty years to force a mixture of white and negro blood. Such a condition never existed before in the history of the world. Here, indeed, is a wonder so great that it has the capacity of Aaron's rod; it swallows all the seven and all other wonders.

This New England Christ seems to have no appetite for Heaven. If he had, he could and would have been there the instant he was deified by the hangman's rope. His habits unfit him for celestial rest and society. There are no "Missouri ruffians" in heaven for this brutal New England Jesus Christ to murder or assassinate; no negroes he can steal; no wool to gather, neither on sheep nor negroes; no United States Constitution and negro President to install; no room for tramps. This monotonous tramp for fifty years is cruelty to animals. It is brutal to keep that old reprobate constantly on the go, day and night, Summer and Winter, without "food, water or candle light." There was sense and great military genius in keeping this holy buccaneer on the tramp for the four years of the

Abolition War. It was to terrify and put to flight the "poor white trash" that were driven into the Confederate Army by the Southern aristocracy—the slaveholders. When the Cid—Spain's greatest cavalier—died, his body was mounted on his war-steed and marched at the head of the army. The dead Cid was more terrible to the enemy than the invincible living Cid. Think of the horrifying effect on the "ignorant, poor white trash" of the woods, of

"John Brown's body lies a-moldering in the grave,
But his soul goes marching on,"

when bawled, screeched, screamed, howled, roared by an army of three million negroes and whites, brothers in arms, and in sixty odd different languages and nearly all nationalities except the Simian and Gorilla, among which were Russian, Greek, German, Norwegian, Swedish, Lapland, Hungarian, Polish, Turkish, Syrian, Spanish, French, Austrian, Egyptian, Chinese, Goth, Hessian, Belgian, Dutch, Swiss, African, Italian, Sicilian, Corsican, Portuguese, Barbarian, Yiddish, Milesian, some Celt, English, a little Scotch and less American. With these tongues, guttural, sputteral, hissing, sizzing, roaring, the thunderous Babel was enough to scare a thousand Devils. The wonder is that the "poor white trash" of the South, who always easily won every battle when the odds against them was not more than two to one, did not use their heels for flight instead of their guns to fight. Think of this courage when even a reprimand in guttural Russian alone would paralyze a Parlez-Vous, or a macaroni millionaire, who swears as well as prays in his soft liquid, bastard Latin.

We have seen the man John Brown. We have proof given by strangers, friends, relatives, acquaintances, one relative under oath, and biographers, of his insanity. We have heard him talk. We have watched him on the tramp. We know enough of his record, his actions, for forty-five years to judge and to decide whether he was sane or insane. During his life he was pronounced insane by thousands, and sane by thousands. One of his kin made affidavit that Brown was a lunatic. James Redpath, his first biographer, tried to persuade himself of Brown's sanity, but he stated facts on which Brown's contemporaries adjudged him insane. A few of his acts and sayings I

have given. If we shall judge Brown by the rules applies to other individuals to test their sanity, there can not be a doubt that John Brown was by nature erratic from birth to his fortieth year, and from that last date he was, on the subject of negro slavery, an incurable monomaniac. He was so ignorant as to believe that the South was responsible for this slavery, and was so superstitious as to be convinced that God had called him to be His special agent to wipe out the great sin of slavery, and to slay the masters and owners if necessary. One of the infallible proofs of his lunacy is that without feeling the slightest animosity to any Southern man or woman, he felt it to be his duty under God's direction to free the negroes at once, even if he had to slay all Southern whites. Of the last statement Brown has supplied abundant proof by killing slave owners in Missouri whom he had never seen nor heard of, in order to take the slaves and send them to Canada; and, second, by his invasion of Virginia and killing any one who opposed his attempt to incite insurrection; and, third, by his repeated declaration during twenty years that he would kill any one who opposed him in freeing the slaves.

I have now reached the last stage I had in view when I began these chapters on John Brown. My purpose was to consider the status of New England as emblazoned by herself in her relation to John Brown and the South. She has declared to the world and to all posterity that John Brown was not insane, was not a lunatic, was not a monomaniac, or she has advertised herself as the patron of a thief, murderer and assassin, by erecting a monument in honor of John Brown. New England is in this dilemma. If she deny that she intended to commemorate the lunacy of Brown and that she believed and believes he was not insane, then the North has honored with a monument this thousand-fold thief, murderer, assassin, and traitor, a man she knew to be a thief, a man who confessed that when a boy he stole from a young girl who was his mother's guest, a man who openly avowed that he cared nothing for law, the Constitution or the Acts of Congress, or human life when it stood in his way on his path as a negro-thief. When Wendell Phillips, at that date New England's most effective orator, turned traitor to his country and gave sedition-

ary and mutinous declaration, only because the Constitution guaranteed protection to property, he set the mob aflame against all law, organic and statute, State and federal. The Constitution being condemned as criminal, the fugitive slave statute was of course the work of the Devil. New England indorsed Phillips's mutiny against law, and thereby approved the mob and its furious attacks on the laws.

CHAPTER LIX.

"THE GREAT CONSPIRACY:" A ROLLICKING ROMANCE; BY JOHN A. LOGAN.

I will devote a few remarks to one book that was ushered in, or out, much as a fighting bull of the highest Andalusian royal family enters the arena with head and tail high in the air. "The Great Conspiracy; Its Origin and History," is the title. After recovering from the shock it gives, the mind sees Catiline masqued and crouched, ready to spring upon the Senate; or Guy Fawkes concealed under the floor of Parliament with powder and fuse. The book is a rollicking romance, compiled by a modern Munchausen and fathered by General John A. Logan —his mausoleum, on whose portal is inscribed, out of the fullness of his ignorance, the portentous title that roars so loud and thunders in the index. It has one merit. It has one of the charms of Madame de Montespan, or of the Duchess Valliere,— its attire is gorgeous; Russia calf; top, bottom and front gilded; so richly adorned that one who knew the author well, and has often heard him speak, derives great pleasure from perusing the outside of his book. As beauty in women of some tribes in Africa is estimated by their obesity, this volume, there, would be a bewitching belle, as it is 810 folios fat. This charm is prohibitory to an investigator looking for reasons, because their number is in inverse ratio to the folios. The author, with good judgment, has enlisted other writers and speakers, and gives, fairly, the names, occasions and language. In this respect the contents are of some interest, but of little value. It was well to compose by proxy.

The writer knew General Logan well, has heard him speak in the United States Senate many times, and he knows that the General was neither orator, writer, nor scholar. He uttered very many sentences that needed immediate repairs. He was very dark—swarthy—with hair straight, and black as a crow, and was reputed to be a quarter—or even half—Indian. His

acquaintances called him "Black Jack." (There grows in the South a scrub oak called black jack, and Black Jack Logan, compared to a first-class Southern statesman, would be like a Southern black jack standing by a Sequoia of California.) He went to the House from a District in Illinois called "Egypt;" and afterwards to the Senate, with the most unsavory distinction of first trying to raise a regiment in "Egypt" to fight for the South, and then being induced by promise of a commission to change front and join the federal army. I tell the tale that filled the air in Washington. If true, he should have been content with the immortal renown of commanding a corps under the President emeritus of the Ananias Club in his march through Georgia, so perilous to cattle, hogs and chickens. In justice to his memory I must state that in 1881 he made a statement in the Senate denying the charge.

I have said he was not an orator. It may be I am not competent to judge. I base my statement, I might say risk my reputation as a critic, in part—a very small part—on what may have been eloquence in Egypt, Illinois, but which to my judgment and sensibility was not convincing. He never spoke without amputating sentences with a "hawk and a spit." The venerable and watchful Sergeant-at-Arms, Capt. Bassett, was always alert and watchful and ready with a Mercury-footed page to bear a capacious cuspidor. It is still an open question, whether that hyphenated oratory was to emphasize the logic, or to keep senators awake. But what boots it what a Southern Rebel, a Conspirator, a Traitor, thinks or believes, or does not believe of any of the heroic patriots and conquerors? Does not John A. Logan still live in stone and marble in the great White City of the plains? Does not William Lloyd Garrison from marble lips still denounce, in Boston, the Constitution as "a covenant with Death and an agreement with Hell?" And to emphasize the high honor thus conferred on them, has not the same class of discriminating worshipers erected a monument to a group of negroes, claimed by them as equals, on one of the cowpaths of Boston? Verily, verily, let not those despair who, cribbed and confined in Northern lunatic asylums, dream they "dwell in marble halls," or that they are soaring heavenward in Elijah's chariot of fire; for outside are as arrant fools and lunatics as they.

We will now pass through the gilded portals of this patriot's mausoleum, adorned outside with twelve Crescents, signifying the Puritans' religious creed—"The Koran, or the Sword"—and hear what a Northern statesman and Savior of the Republic has to say. Before "getting down to brass tacks" (see specimens of American oratory, North, under head of "Wm. H. Taft") in order to put the reader's mind "in a state of receptivity," I will state that this Northern General, wearing the rather feeble praise of being one of the ablest commanders in the Northern Army, devotes an entire chapter of 65 pages to the description of the battle of Bull Run, and concludes his narrative with the consoling sigh—"In point of fact, the battle of Bull Run—the first pitched battle of the war—was a **drawn battle!!**"

He then explains, in the present tense, 24 years after the "drawn battle," as follows: "It is not fear that has got the better of the Union troops. It is physical exhaustion, for one thing; it is thirst for another. Men must drink—even if they have thrown away their canteens—and many have 'retired' to get water. It is not fear, though some of them are panic-stricken; and as they catch sight of Stuart's mounted men—no black horse or uniform among them—they raise the cry of 'The Black Horse Cavalry!—The Black Horse Cavalry!' "

The man who can read this account of that "drawn battle" without having his sides to ache, is fit for nothing on earth but to be a professional mourner at funerals on half pay. "It is not fear!" "They are thirsty!" "You know, men must drink, even if they have thrown away their canteens." "It is not fear!" They are only "panic-stricken," and as they cannot tell a white horse from a black horse, they just "retired to get water." Yes, Byron had an opinion somewhat on that line:

"Man, being reasonable, must get drunk—
The best of life is but intoxication."

Certainly, General! You have got that battle down right. When a man, yes—**any** man—in a battle, is very thirsty, and also exhausted, and, besides, panic-stricken, but not at all afraid, and can't tell a black horse from a white horse, he has the right to "retire to get water" even if he has to "draw" the battle along with him! What is the glory of victory to a

man panic-stricken, and so thirsty he can't see straight? That word "retire," under the circumstances, is a flash of genius. But it is like the one speech of "Single-Speech" Hamilton—it was Logan's first and only flash. Still, it, like Hamilton's speech, is enough to give him fame. "He stands on a monument and glory covers him." The glory, however, is very scant —like the dress of a Russian danseuese—it is too low above and too high below to be of much use in a gale.

In the preface to this compilation, after assuring us that "while striving to be accurate, fair and just, the author has not thought it his duty to mince words, nor to refrain from calling things by their right names," he says: "While tracing the history of the Great Conspiracy from its obscure birth in the brooding brains of a few ambitious men of the earliest days of our Republic, through the subsequent years of its devolution"—(devolution is good—excellent; still, let's not complain—it might have been worse)—"down to the evil days of Nullification and to the bitter and bloody period of armed Rebellion, or contemplating it in its still more recent and, perhaps, more sinister development of today." Merciful Heaven! are the panic and thirst of Bull Run to be felt forever? What? Another Conspiracy in "brooding brains today" (1885)? Is the Cannon-Payne-Aldrich-Taft tariff the first "devolution" of it?

But he winds up, at the end of the preface to this compilation, in a calm, Christian spirit. He magnanimously offers "forgiveness to all Conspirators and Rebels and Traitors, who, with manly candor, soldierly courage and true patriotism, have confessed the enormity of their offence in aid of the armed Rebellion, and of the heresies and plottings in mad efforts to destroy the best government yet devised by man on this planet." My opinion is that this benediction with absolution attached has come too late, as the conspirators, rebels and traitors, if there were any of that class, are all dead; if not, they ought to be. Still the smallest of favors should be thankfully received and in return (as he kindly says "If there be found within these covers aught which may seem harsh to those directly or indirectly, nearly, or remotely, connected with that Conspiracy, he may not unfairly exclaim—'Thou canst not say

I did it' "), I forgive him, and will remember him merrily, for putting into this, his gilded mausoleum, as history, the information that the battle of Bull Run was a drawn battle. As he promised to be accurate and fair, I wish he had left a little memorandum explaining who or what is the "antecedent" of the pronoun "he" in the last quotation I gave, and who is to exclaim—"Thou canst not say I did it," and to say it "not unfairly."

I give the foregoing as a sample of the contents of this compilation by one of the North's greatest Generals and statesmen. This rating is not mine. His judgment of what a battle is, when it is "drawn" and why the Union troops retired to get water just at the moment when victory was assured, is not satisfactory. His report of Bull Run is too short. It stops before the "drawn battle" ended. It would be gratifying to know whether those thirsty patriots got water, if so, whether from Bull Run, or in Washington; and also whether Bull Run was named after the battle, in honor of the Union army. Nor does he say whether the Union troops bivouacked that night on the banks of Bull Run or "retired" to Washington to receive an ovation and the congratulations of their Commander-in-Chief—Lincoln.

Of the author as a scholar, writer, historian, and even as General might be inscribed on one portal of the mausoleum aforenamed—"**Ex nihilo nihil fit,**" because of his opinion about the first battle of Manassas. Taking this opinion as a standard or sample, we are justified in applying to the entire romance another Latin maxim—"**ex uno disce omnes**"—from one sample we know the entire contents. Still, the book is a most effective compilation for any one who might be his vindictive enemy.

On "Causes of Secession," he assigns as the chief cause conspiracy by Southern statesmen that began at the first session of the Congress under the Constitution. He dates it from the entrance into the Senate of Pierce Butler of South Carolina, who objected to an Impost Bill. He quotes from the diary of Senator Maclay of Pennsylvania, who calls Butler "a flaming meteor" and says "he scattered his remarks over the bill and threatened a dissolution of the Union." This Maclay is the

astute observer, whose opinion of the New Englanders is quoted in an early chapter, which, liberally translated, reads: "They will rule or ruin."

He has then to skip 44 years to find the next link in his chain of evidence to prove the South's conspiracy. This link is the private letter of Andrew Jackson to Rev. A. J. Crawford, in 1833, abusing Calhoun whom he hated as only Jackson could hate. He next quotes from a private letter to an "Alabamian" (name not given) from Henry Clay, in 1844 (eleven years later), saying: "From developments now being made in South Carolina, it is perfectly manifest that a party exists in that State seeking a dissolution of the Union." This was a very languid "conspiracy," now 55 years of age. Carolinians are noted for quick action. He next quotes from a private letter by Nathan Appleton of Boston, written December 15th, 1860, (to whom is not stated) that he "had made up his mind from what occurred when he was in Congress in 1832-3, that Calhoun, Hayne and McDuffie desired a separate confederacy as more favorable to the security of slave property."

This great discoverer of a terrible mare's nest—"The Great Conspiracy"—is a careless historian and very nearsighted. Had he been diligent he would have found at least a dozen declarations by New England and her sons favoring disunion and secession during the period of his "Great Conspiracy" by South Carolina. But as we have been told a million times that Southern people are sluggards, lazy, indolent and white trash, whereas their enemies up North are quick on the trigger in everything, this accounts for New England's rapid movements to secede or to break up the Union. Her sprinting in this race of Conspirators has been accorded to her in a preceding chapter. The reader is requested to sit as a judge hearing a charge of treason, as set forth in these 800 pages about "The Great Conspiracy," and to bear in mind that the prosecutor searched all records, even including private letters, to sustain his charge. We need no other proof of this diligence than the size of his book, and our knowledge that any one under charge of being a renegade will leave no nook or corner unexplored to reinstate himself with his allies. What is the evidence so far adduced?

First, that one South Carolinian, Pierce Butler, in opposing New England's tariff in the first Congress, threatened dissolution of the Union. A "Great Conspiracy" by one hot-headed man! And the evidence proves that if he did not cool off, he was **conspiring alone** for forty-four years! Any school-boy knows that "a flaming meteor" could not burn that long. Then follow three private letters, the first, (Jackson's) in 1833; the second, (Clay's) in 1844, and the third, (Appleton's) in 1860 —all relating to the supposed disunion sentiment in one State (South Carolina) and to one subject—Nullification. What were the other Southern States doing, thinking and saying during those 44 years? On this all-important link to show conspiracy in and of the South, this prosecutor is dumb. But history is not silent. They did not agree with South Carolina on Nullification! And it is pertinent just here to state that so far from conspiring from 1789 to any other date, when the Compromise of 1850 was made in Congress the issue of Union or Disunion was raised North and South, and in the elections in 1851 every Southern State declared in favor of the Union. This fact alone is a complete answer to "The Great Conspiracy."

But we proceed with this prosecutor's evidence. The next is a speech by Francis Thomas, ex-Governor of Maryland, in October, 1861: "In substance, he said that twenty years ago, he, as a Representative, noticed one morning when he entered the House, that no Southern members were present. Hearing they were in caucus, he went to the caucus room and he found Governor Pickens of South Carolina—that little cock-sparrow—strutting about like a rooster around a barnyard coop, dis cussing the following Resolution: 'Resolved, that no member of Congress representing a Southern constituency shall again take his seat until a Resolution is passed satisfactory to the South on the subject of slavery.' He replied to Pickens and moved an adjournment sine die. Mr. Craig of Virginia seconded the motion and the company was broken up. We returned to the House and Mr. Ingersoll of Pennsylvania, a glorious patriot, introduced a resolution which temporarily calmed the excitement. The caucus was held because Slade of Vermont had made an anti-slavery speech." Here is proof of "The Great Conspiracy."

In reply to Thomas, the **National Intelligencer**, at Washington, November 4th, (6 days after his speech) said: "We are able to state that at least three others besides himself (Thomas) went to the caucus with a purpose very different from any intention to consent to any treasonable measure. These were Henry A. Wise, Baillie Peyton and Wm. Cost Johnson. Had disunion, or revolt, or secession been proposed, he would have witnessed a scene not soon to be forgotten." This brings the proof of "The Great Conspiracy" down to 1860, when his next evidence is the debate between Alexander H. Stephens and Robert Toombs of Georgia on Seecssion. He follows this with a speech by Wigfall of Texas in Congress in 1861, a speech by Andrew Johnson in Congress and one by McDougal of California in the Senate in 1862, in which they play the role of prophets "after the fact" of Secession. This is enough of "The Great Conspiracy!"

But it must be stated that in this chapter—"Causes of Secession"—the not very learned traducer nor very able lawyer gives some very valuable testimony in favor of Secession—the legal import of which he did not comprehend. The moving cause of Secession was the utter abandon of the Northern people on the right to and security of property. This condition in the North this nearsighted prosecutor gives by setting out the solemn legislation of many States to nullify the Constitution. The enormity of this dishonor and breach of the bond of Union between the States, our author by proxy treats with levity, not to say gayety. He says and says it gravely and with an air of supreme authority over the whole question: "This may be as good a place as any other to say a few words touching another alleged 'cause' of Secession. During the exciting period just prior to the breaking out of the great War of Rebellion" (one of his favorite vilifications) "the Slave-holding and Secession-nursing States of the South (another of his sweet morsels) "made a terrible hubbub over the Personal Liberty Bills of the Northern States" * * * "They constituted, as we now know, only a part of the **mere pretext!**"

Then, to be perfectly fair, he says: "That the reader may quickly grasp not only the general nature but also the most important details of these laws in force in 1860 in many of the

Free States, so frequently alluded to in the Debates in Congress, in speeches on the stump and in the fulminations of Seceding States, and their authorized agents, commissioners and representatives, it may be well now briefly to refer to them and to state that no such laws existed in California, Illinois, Indiana, Iowa, Minnesota, New York, Ohio and Oregon."

The writer feels as if he belittles this great question in following the vagaries of the putative author of this book. An apology is due to the reader. It is like criticising boys on cornstalks riding around the circus-ring after the circus is gone.

What ground, he says, had the South to "fulminate" when the eight States he names had no law nullifying the Constitution? If eighteen Northern States had that law—what of it? Note the important (?) fact that California and Oregon, two thousand miles away from the western border of slavery, had no such law. Then why complain? He names New York in the eight redeeming States, whereas New York passed the nullifying Act in 1840. Ohio had no such statute, he says. But she had mobs with such fury that over one fugitive slave the resistance to the Act of Congress was so alarming as to be called in history "The Ohio Rebellion." Such crass ignorance is inexcusable, but when barbed with malice and reeking with venom it is damnable.

This pundit then gives the substance of the laws of the States that had defied the Constitution. As they have been given in a preceding chapter, but one statute of these rebellious States will be quoted here as Logan states it. Take Vermont.

"Vermont provided that no process under the fugitive slave law should be recognized by any of her courts, officers or citizens; nor any aid given in arresting or removing any person claimed as a fugitive slave; it provided counsel for alleged fugitives; for the issue of habeas corpus and trial by jury of issues of fact between the parties; ordained **freedom to all within the State who may have been held as slaves before coming to it,** and prescribed heavy penalties for any attempt to return any such to slavery. A bill to repeal these laws, proposed November, 1860, in the Vermont House of Representatives, was beaten by two to one."

This statute was doubly revolutionary. It not only nullified the Act of Congress, but it destroyed title to property guaranteed by the Constitution. It freed every slave as soon as he set foot on the soil of that State. With these infamous laws before his eyes Logan saw nothing in them to justify even a complaint by the South. For the present it is sufficient to say that Daniel Webster, in 1851, declared they had broken the bond (the Constitution), and the South was no longer bound by it.

So much valuable space would not have been given to Logan's **vox et praeterea nihil**—"The Great Conspiracy"—were he not held in such a high niche of Northern idolatry as to be saved from oblivion by a statue in Chicago. It is hard to believe that he submitted the contents of this book to the judgment of any judicious men who were his friends, for it is packed with falsehoods, and even with aspersions upon the character of some Northern men, one of whom—Stephen A. Douglas—as he tells us, after Secession was furious for war.

He says that Douglas, during the notorious debate between him and Lincoln, in one speech—made not in joint debate—"declined to comment upon Lincoln's intimation of a conspiracy between Douglas, Pierce, Buchanan and Taney (Chief Justice of the Supreme Court of the United States) for the passage of the Nebraska Bill, the rendition of the Dred Scott decision and the extension of slavery, but proceeded to dilate on the 'uniformity' issue between himself and Lincoln, tersely summing up with the statement that 'there is a distinct issue of principles—principles irreconcilable—between Mr. Lincoln and myself. He goes for consolidation and uniformity in our Government. I go for the confederation of the Sovereign States under the Constitution, as our fathers made it, leaving each State to manage its own affairs and own internal institutions.' He then ridiculed Lincoln's proposed methods of securing a reversal of the decision in the Dred Scott case; Lincoln having contended for an appeal to the people to elect a President who will appoint judges who will reverse the Dred Scott decision, which Douglas characterized as a proposition to make that court a corrupt, unscrupulous tool of the political party, and asked: 'When we refuse to abide by judicial decisions, what

protection is there left for life and property? To whom shall we appeal? To mob law, to partisan caucuses, to town meetings, to revolution? Where is the remedy when you refuse obedience to the constituted authority?' ''

In that quotation from Douglas, this Lilliputian, Logan, gives a complete answer to all he has written in his dropsical book, 810 pages, endeavoring to fasten on the South the responsibility of the war, and whose main argument consists in hurling at the Southern States expressions, the meaning of which he did not know—''Rebel!''—''Rebellion!''—''Treason!''—''Traitors!''—''Conspirators!''

He quotes again from Mr. Douglas where he, Douglas, makes the charge directly against Lincoln to his face, to-wit: ''Mr. Lincoln goes for a warfare upon the Supreme Court of the United States because of their judicial decisions in the Dred Scott case. I yield obedience to the decisions of that court—to the final determination of the highest tribunal known to our Constitution. He objects to the Dred Scott decision because it does not put the negro in the possession of the rights of citizenship on an equality with the white man. I am opposed to negro equality. I would extend to the negro and the Indian, and to all the dependent races, every right, and every privilege, and every immunity consistent with the safety and welfare of the White races; but equality they should never have, either political or social, or in any other respect whatever. My friends, you see that the issues are distinctly drawn between Mr. Lincoln and myself.''

I will refrain from quoting further from this compilation evidently made and written by another, and dismiss it with the remark that if Hell is as full of liars as this vast volume is full of lies, no other sinners need apply, for there is not even standing room. A General commanding a corps in the Federal Army and supposed to know what is victory and defeat in a battle, and also suspected of being able to tell the truth, and yet who would call the battle of Bull Run, the first pitched battle of the war, a drawn battle—well, I suppose, that, as monuments go in the North to John Brown, Garrison, and negroes in Boston, Logan was equally worthy of his monument in Chicago.

APPENDIX

I.

LINCOLN'S LETTER TO MRS. BROWNING.

"Springfield, April 1, 1838.

"Dear Madam:—

"Without apologizing for being egotistical, I shall make the history of so much of my life as has elapsed since I saw you, the subject of this letter. And, by the way, I now discover that, in order to give a full and intelligible account of the things I have done and suffered since I saw you, I shall necessarily have to relate some that happened before.

"It was, then, in the autumn of 1836 that a married lady of my acquaintance and who was a great friend of mine, being about to pay a visit to her father and other relatives residing in Kentucky, proposed to me that on her return she would bring a sister of hers with her on condition that I would engage to become her brother-in-law with all convenient dispatch. I, of course, accepted the proposal, for you know I could not have done otherwise, had I really been averse to it; but privately, between you and me, I was most confoundedly well pleased with the project. I had seen the said sister some three years before, thought her intelligent and agreeable, and saw no good objection to plodding life through hand in hand with her. Time passed on, the lady took her journey, and in due time returned, sister in company sure enough. This astonished me a little; for it appeared to me that her coming so readily showed that she was **a trifle too willing**; but, on reflection, it occurred to me that she might have been prevailed on by her married sister to come, without anything concerning me ever having been mentioned to her; and so I concluded that, if no other objection presented itself, I would consent to waive this. All this occurred to me on hearing of her arrival in the neighborhood; for, be it remembered, I had not yet seen her, except about three years previous, as above mentioned. In a few days we had an inter-

view; and, although I had seen her before, she did not look as my imagination had pictured her. I knew she was over-size, but she now appeared a fair match for Falstaff. I knew she was called an 'old maid,' and I felt no doubt of the truth of at least half of the appellation; but now, when I beheld her, I could not for my life avoid thinking of my mother; and this, not from withered features, for her skin was too full and fat to permit of its contracting into wrinkles, but from her want of teeth, weather-beaten appearance in general, and from a kind of notion that ran in my head that nothing could have commenced at the size of infancy and reached her present bulk in less than thirty-five or forty years; and, in short, I was not at all pleased with her. But what could I do? I had told her sister I would take her for better or for worse; and I made a point of honor and conscience in all things to stick to my word, especially if others had been induced to act on it, which in this case I had no doubt they had; for I was now fairly convinced that no other man on earth would have her, and hence the conclusion that they were bent on holding me to my bargain. 'Well,' thought I, 'I have said it, and, be the consequences what they may, it shall not be my fault if I fail to do it.' At once I determined to consider her my wife; and, this done, all my powers of discovery were put to work in search of perfections in her which might be fairly set off against her defects. I tried to imagine her handsome, which, but for her unfortunate corpulency, was actually true. Exclusive of this, no woman that I have ever seen has a finer face. I also tried to convince myself that the mind was much more to be valued than the person; and in this she was not inferior, as I could discover, to any with whom I had been acquainted.

"Shortly after this, without coming to any positive understanding with her, I set out for Vandalia, when and where you first saw me. During my stay there I had letters from her which did not change my opinion of either her intellect or intention, but on the contrary confirmed it in both.

"All this while, although I was fixed, 'firm as the surge-repelling rock,' in my resolution, I found I was continually repenting the rashness which had led me to make it. Through life, I have been in no bondage, either real or imaginary, from

the thraldom of which I so much desired to be free. After my return home, I saw nothing to change my opinion of her in any particular. She was the same, and so was I. I now spent my time in planning how I might get along through life after my contemplated change of circumstances should have taken place, and how I might procrastinate the evil day for a time, which I really dreaded as much, perhaps more, than an Irishman does the halter.

"After all my suffering upon this deeply interesting subject, here I am, wholly, unexpectedly, completely, out of the 'scrape;' and now I want to know if you can guess how I got out of it—out, clear in every sense of the term; no violation of word, honor, or conscience. I don't believe you can guess, and so I might as well tell you at once. As the lawyer says, it was done in the manner following, to-wit: After I had delayed the matter as long as I thought I could in honor do (which, by the way, had brought me round into the last fall), I concluded I might as well bring it to a consummation without further delay; and so I mustered my resolution, and made the proposal to her direct; but, shocking to relate, she answered, No. At first I supposed she did it through an affectation of modesty, which I thought but ill became her under the peculiar circumstances of her case; but on my renewal of the charge, I found she repelled it with greater firmness than before. I tried it again and again, but with the same success, or rather with the same want of success.

"I finally was forced to give it up; at which I very unexpectedly found myself mortified almost beyond endurance. I was mortified, it seemed to me, in a hundred different ways. My vanity was deeply wounded by the reflection that I had been too stupid to discover her intentions, and at the same time never doubting that I understood them perfectly; and also that she, whom I had taught myself to believe nobody else would have, had actually rejected me with all my fancied greatness. And, to cap the whole, I then for the first time began to suspect that I was really a little in love with her. But let it all go. I'll try and outlive it. Others have been made fools of by the girls; but this can never with truth be

said of me. I most emphatically, in this instance, made a fool of myself. I have now come to the conclusion never again to think of marrying, and for this reason: I can never be satisfied with any one who would be blockhead enough to have me.

"When you receive this, write me a long yarn about something to amuse me. Give my respects to Mr. Browning.

"Your sincere friend,

"A. LINCOLN."

"Mrs. O. H. Browning."

II.

A BACKWOODS WEDDING COMEDY STAGED BY LINCOLN.

(FROM HERNDON'S "LIFE OF LINCOLN.")

Lincoln had shrewdly persuaded some one who was on the inside at the infare to slip upstairs while the feasting was at its height and change the beds, which Mamma Grigsby had carefully arranged in advance. The transportation of beds produced a comedy of errors which gave Lincoln as much satisfaction and joy as the Grigsby household embarrassment and chagrin.

"Now there was a man," begins this memorable chapter of backwoods lore, "whose name was Reuben, and the same was very great in substance; in horses and cattle and swine, and a very great household. It came to pass when the sons of Reuben grew up that they were desirous of taking to themselves wives, and being too well known as to honor in their own country they took a journey into a far country and there procured for themselves wives. It came to pass also that when they were about to make the return home they sent a messenger before them to bear the tidings to their parents. These, enquiring of the messengers what time their sons and wives would come, made a great feast and called all their kinsmen and neighbors in and made great preparations. When the time drew nigh they sent out two men to meet the grooms and their brides with a trumpet to welcome them and to accompany them. When they came near unto the house of Reuben the father, the messenger came on before them and gave a shout, and the whole multitude ran out with shouts of joy and music. playing on all kinds of instruments. Some were playing on harps. some on viols, and some blowing on rams' horns. Some also were casting dust and ashes towards heaven, and chief among them all was Josiah, blowing his bugle and making sound so great the neighboring hills and valleys echoed with the resounding acclamation. When they had played and their harps had sounded till the grooms and brides approached the gates,

Reuben the father met them and welcomed them to his house. The wedding feast being now ready they were all invited to sit down to eat, placing the bridegrooms and their wives at each end of the table. Waiters were then appointed to serve and wait on the guests. When all had eaten and were full and merry they went out again and played and sung till night. and when they had made an end of feasting and rejoicing the multitude dispersed, each going to his own home. The family then took seats with their waiters to converse while preparations were being made in an upper chamber for the brides and grooms to be conveyed to their beds. This being done the waiters took the two brides upstairs, placing one in a bed at the right hand of the stairs and the other on the left. The waiters came down, and Nancy, the mother, then gave directions to the waiters of the bridegrooms, and they took them upstairs but placed them in the wrong beds. The waiters then all came downstairs. But the mother, being fearful of a mistake, made enquiry of the waiters, and learning the true facts took the light and sprang upstairs. It came to pass she ran to one of the beds and exclaimed, 'O Lord, Reuben, you are in bed with the wrong wife.' The young men, both alarmed at this, sprang up out of bed and ran with such violence against each other they came near knocking each other down. The tumult gave evidence to those below that the mistake was certain. At last they all came down and had a long conversation about who made the mistake, but it could not be decided. So endeth the chapter."

The reader will readily discern that the waiters had been carefully drilled by Lincoln in advance for the parts they were to perform in this rather unique piece of backwoods comedy. He also improved the rare opportunity which presented itself of caricaturing "Blue Nose" Crawford, who had exacted of him such an extreme penalty for the damage done to his "Weems' Life of Washington." He is easily identified as "Josiah blowing his bugle." The latter was also the husband of my informant, Mrs. Elizabeth Crawford.

III.

SOME SEPARATE PARAGRAPHS ON THADDEUS STEVENS, LINCOLN, BEECHER, PARKER, AND JOHN BROWN.

When Thad Stevens, branded a monster by Nature, counseled and ruled by a negro prostitute. was driving Congress with the lash to wrest the ballot from the Southern Whites, and to give it to their slaves. the perjury committed by Congressmen did not, for a moment, impair the right of the States to have exclusive control of the ballot. But the children of those perjured fathers are reaping the penalties of that sin.

When Abraham Lincoln rode down the Constitution he had just sworn to support, by invading Virginia with fire and sword, to conquer and to kill, that invulnerable instrument rose above him and his organized mob, as bright and legible as when it first illumined the western world. The direct result of that violation of his oath was the butchery of a million of his countrymen and women, and John Wilkes Booth's mad attempt to avenge the South.

When Henry Ward Beecher lost the way to Heaven, and wandered off, "treading the primrose path of dalliance" with Elizabeth, the plighted consort of his parishoner, Theodore Tilton, he may have thought he had repealed the Seventh Commandment. But it is as omnipotent as when Moses received it on the Mount. It reached for the adulterer and brought him to judgment when Tilton sued him for wrecking his home. The jury, whose fellow feeling made them wondrous kind, made a mistrial, but the jury of the public said "guilty," unfrocked him, christened him "son of Belial," and left him in his Tabernacle, a standing advertisement, every Sabbath, of the Commandment—"Thou shalt not commit adultery." They found him a virile hypocrite, and left him an evangelizing eunuch.

When Theodore Parker—the founder of one of the many religions that have been hatched in that model incubator, Boston—made his home a den to hide negro thieves and stolen

negroes, the Eighth Commandment—"Thou shalt not steal"—blazed in his eyes, whenever he opened his Bible, with as fierce a flame as enveloped and consumed Achan for sitting on the stolen treasures in his tent and swearing he was not the thief. Theft is theft, and the Puritan preacher was as much a thief as if he had stolen his neighbor's hog.

When John Brown, the bloody butcher, a vulgar imitator of Caligula, Nero and Domitian, was drenching the soil of Kansas with the blood of Christian children, Mount Sinai was thundering at him—"Thou shalt not kill!" If he had had ears to hear he would have heard—"He that lives by the sword shall die by the sword!"—"Whoso sheddeth man's blood, by man shall his blood be shed!" But Puritan cocksureness deafened him; Puritan vice-gerency of God to rule the earth, blinded him, until, at length, divine justice laid its hand upon him, and made him sole actor in the last scene of the horrible tragedy in which he had played, with great eclat, the leading role, on the Northern stage, for thirty years. Laymen had shouted applause. Preachers had cheered him on. One, who ministered and performed Levitical sacrifices in the Tabernacle in Brooklyn, wherein the Ark of the Covenant had never rested, where the glory of the Shechina—witness to the presence of the Holy Spirit—had never shone—this high priest aided and abetted the assassin of children, by sending to this murderer a company armed with Sharpe's rifles bought by the preacher himself. But the hour had come for the curtain to fall, and for the tragedy to end. His last performance was on a trapeze, leaping toward the ground with a rope around his neck, and stopping in mid-air. This conquest of the law of gravitation caused New England's greatest philosopher, Ralph Waldo Emerson, to proclaim that it made John Brown the equal of Jesus Christ.

IV.

DISUNION RESOLUTIONS AT WORCESTER, MASSACHUSETTS.

(Referred to on page 218.)

(FROM "FACTS AND SUGGESTIONS," BY DUFF GREEN.)

At a meeting held in Worcester, Mass., just before the war (of 1861-65) the business committee submitted the following resolutions:

"Resolved, That the meeting of a State disunion convention, attended by men of various parties and affinities, gives occasion for a new statement of principles and a new platform of action.

"Resolved, That the cardinal American principle is now, as always, liberty; while the prominent fact is now, as always, slavery.

"Resolved, That the conflict between this principle of liberty and this fact of slavery, has been the whole history of the nation for fifty years; while the only result of this conflict has thus far been to strengthen both parties and prepare the way for a yet more desperate struggle.

"Resolved, That in this emergency we can expect little or nothing from the South itself, because it too is sinking deeper into barbarism every year;

"Nor from a Supreme Court which is always ready to invent new securities for slaveholders;

"Nor from a President elected almost solely by Southern votes;

"Nor from a Senate which is permanently controlled by the slave power;

"Nor from a new House of Representatives which, in spite of our agitation, will be more pro-slavery than the present one, though the present one has at length granted all which slavery asked;

"Nor from political action, as now conducted. For the Republican leaders and press freely admitted, in public and private, that the election of Fremont was, politically speaking,

'the last hope of freedom,' and even could the North cast a united vote in 1860, the South was before it four years of annexation previous to that time.

"Resolved, That the fundamental difference between mere political agitation and the action we propose is this, that the one requires the acquiescence of the slave power, and the other only its opposition.

"Resolved, That the necessity for disunion is written in the whole existing character and condition of the two sections of the country—in their social organization, education, habits, and laws—in the dangers of our white citizens in Kansas, and of our colored ones in Boston—in the wounds of Charles Sumner and the laurels of his assailant—and no government on earth was ever strong enough to hold together such opposing forces.

"Resolved, That this movement does not seek merely disunion, but the more perfect union of the free States by the expulsion of the slave States from the confederation, in which they have ever been an element of discord, danger and disgrace.

"Resolved, That it is not probable that the ultimate severance of the Union will be an act of deliberation or discussion, but that a long period of deliberation and discussion must precede it, and this we meet to begin.

"Resolved, That henceforward, instead of regarding it as an objection to any system of policy, that it will lead to the separation of the States, we will proclaim that to be the highest of all recommendations, and the grateful proof of statesmanship; and will support, politically, or otherwise, such men and measures as appear to tend most to this result.

"Resolved, That by the repeated confession of Northern and Southern statesmen, 'the existence of the Union is the chief guarantee of slavery;' and that the despots of the whole world have everything to fear, and the slaves of the whole world everything to hope, from its destruction, and the rise of a free Northern Republic.

"Resolved, That the sooner the separation takes place the more peaceful it will be; but that peaec or war is a secondary consideration, in view of our present perils. Slavery must be conquered, 'Peaceably if we can, forcibly if we must.' "

V.

REV. DR. FULLER ON LINCOLN.

The sentence at the end of Chapter XXXIX (page 285) appears to have been left unfinished by the author, and examination of his manuscript did not find the words which he evidently intended to quote in proof of his assertion; but Dr. Fuller, writing to Salmon P. Chase about the Baltimore delegation's visit to Washington, said: "From Mr. Lincoln nothing is to be hoped, except as you can influence him. Five associations, representing thousands of our best young men, sent a delegation of thirty to Washington yesterday * * * and asked me to go with them as the chairman. We were at once cordially received. I marked the President closely. Constitutionally genial and jovial, he is wholly inaccessible to Christian appeals, and his egotism will forever prevent his comprehending what patriotism means."

The delegation's call on Mr. Lincoln was in April, 1861. Dr. Fuller was an eminent Baptist divine,—not Presbyterian as stated in the text. Mr. Chase was Secretary of the Treasury in Mr. Lincoln's cabinet. As a United States Senator from Ohio he had voted for the reception (February, 1850) of a petition from inhabitants of one of the Northern States asking Congress to devise at once some plan for the immediate dissolution of the Union. Mr. Seward, then Senator from New York, also voted for the reception of the petition. Daniel Webster, then Senator from Massachusetts, proposed that the petition have the following preamble:

"Whereas, at the commencement of the session, you and each of you took your solemn oaths, in the presence of God and on the Holy Evangelists, that you would support the Constitution of the United States; now, therefore, we pray you to take immediate steps to break up the Union, and overthrow the Constitution of the United States as soon as you can."—T. K. O.

VI.

LEE AND THE CONFEDERATE SOLDIERS.

From address of Senator Norwood before the Alumni of Emory College, Oxford, Ga., July 20th, 1875:

But one age has ever produced as grand a character and great a captain of martial hosts as Robert E. Lee. The age was a century ago—the man was Washington. The history of his deeds is enrolled on the imperishable tablet of the heart of man. The volume of his life is the political New Testament to the enthralled of every clime and creed. The wealth of his fame is the richest legacy ever bequeathed to the race of Adam. His Majesty, with lineal hand, confers nobility on crowned heads. On his brow, as he looks down on all mankind, save one, serenely rests in rival grace and honor, the warrior's chaplet and the civic crown. That one excepted is Robert E. Lee, in every attribute the equal of the Father of His Country. Washington and Lee! twin children of the same Commonwealth; twin offspring of the same civilization; twin rebel-patriots in the same holy cause; the very Gemini in the constellation of all of earth's collected greatness. Washington was the first fruits and Lee the full harvest of Southern civilization. Washington was its rising and Lee its setting sun. The threads of their golden lives form the richest bordering—the beginning and the end—of the grandest fabric in all the varied woof and warp of time. Between their lives is bounded the only unclouded day of perfect freedom. The one came up at the rise of the Republic—the other went down at its fall. Both drew their guiltless swords in defense of the dearest rights of man; the one, to establish the God-given right of self-government; the other, to maintain it. The one sheathed his sword not until the cause for which it was drawn was won, and joy smiled over the land; the other surrendered his sword not until that cause was lost, and darkness covered the earth again.

But it is not for me to pronounce the panegyric of Lee, much less to atempt to draw his likeness. This generation can not give his true dimensions. We stand too near him, and he is

so rounded off that we lose sight of his grandeur in the symmetry of his proportions, as one who first looks on St. Peter's is deceived in its size by the perfection of its architecture. The hour and the man have not come to unveil the colossal monument of his fame. The light of that day may never gladden our eyes. Standing at its base, as we now do, we can only see it swelling in majesty towards the heavens, for around its lofty summit are rolling still the angry but dissolving clouds of war. But his life in the completeness of its sweetness and its strength is before us. The rich-toned harp is strung, and its slumbering harmony woos the minstrel's master touch; but there is no living hand divine enough to sweep the diapason of its mighty tones. In the fullness of time, when the present generation shall sleep with their fathers, and their passions shall sleep with them; when detraction, weary in its hopeless task, shall slink away in shame; when the next generation as they move on, shall look back and contemplate his grand dimensions, some Pindar will be inspired to sing in fitting strain his triumphal ode and his encomium; some Homer to tell in verse of Attic purity and strength—yet not so pure and strong as he—the epic of his life; some Milton to test and prove his worth in the crucible of truth with his "celestial fire." Yes—

"His high and mountain majesty of worth
Should be, and shall, survivor of his woe;
And from its immortality look forth
In the sun's face, like yonder Alpine snow,
Immeasurably pure beyond all things below."

And yet, while his military renown, which was the least of his achievements—for he had conquered himself and ruled his own spirit—will brighten with every succeeding age, let us remember that it was not achieved by him alone. It is indissolubly linked with the glory of as brave a band as ever drew the sword or fought beneath a plume. The fame of Leonidas rests upon the altar on which were richly offered up the lives of Sparta's three hundred bravest sons. The laurels of Marshal McDonald spring green and fresh on a league of Wagram's field, because it drank the blood of the immortal fifteen thousand who followed where he led. The daring deeds of Stonewall

Jackson, his rapid movements which invested him, in the belief of the superstitious, with ubiquity, and his sudden descents on the foe, as he swept like a falcon to its prey, were only possible because high-born pride inspired his devoted band with a heroism that wearied out the stars in their march by night, and caught new strength from the rising sun as they rushed upon the flame of battle. So is it with Lee. His followers were nurtured in the same civilization with himself. Under the gray, in the Confederate rank and file, beat the great hearts of many a Curtius, Cocles and Ney. If his glory is like the sun, theirs is like the stars. When the splendor of the sun is veiled by night, we behold above us a few bright stars moving in grandeur over the field of Heaven, whose names and pavilions and goings forth are known; but in their midst is seen, in close column, an undistinguished host pressing steadily onward, nameless and unknown; no one brilliant, but all together shedding a halo around the skies. For ages ignorant man called them a congregation of vapors. But the astronomer, drawing nigh and scrutinizing their ranks in clear and passionless thought, has returned to earth with the revelation that they are an army of stars, differing from each other only as "one star differeth from another star in glory." And when the historian, in after times, shall turn his admiring gaze from the lustre of the greatest captain of his age, and from his brilliant subalterns whose names and deeds are known, to scrutinize that mighty host who, nameless and unknown to fame, barefoot and sore, marched under the banner of the Southern Cross, he will, from their blended glory, resolve their individuality, and tell that they were heroes as great as ever fought beneath the Cross to rescue from the Crescent the Holy Sepulchre, and patriots as pure in their devotion to liberty as the Fathers of the Republic. The civilization which made Lee possible, made it impossible for them to be else than patriots and heroes. "They were swifter than eagles; they were stronger than lions." And while we ascribe all praise to the head that planned, equal honor is due to the hearts that dared and the hands that cleaved the way to immortality.

ERRATA

On page 17, read Jenkins for Penkins.
On page 24, omit first sentence.
On page 25, read Dust-and-Ashes for Dust and Ashes.
On page 29, read fantastical for fantistical.
On page 63, read assembled for assesmbled.
On page 71, read Litt. for Ltt.
On page 73, read deified for defied.
On page 76, read exegetists for exegitists.
On page 84, omit the words,—in the year, before the letters A. D.
On page 86, read frailties for frailities.
On page 99, read philanthropy for philanthrophy.
On page 105, read perfidy for perfidity.
On page 106, read divided for divide.
On page 107, read ominous for omnious.
On page 111, read I. O. Us for I. O. U's.
On page 163, read eclectic for electic.
On page 165, read vice-gerents for vice-gerants.
On page 177, read tide for time.
On page 185, read "is presented in these pages," for concluding words of last sentence.
On page 208, read "Under other heads has been made," in place of 2d sentence in 2d paragraph.
On page 233, read "in preceding pages," for "under State Rights."
On page 258, read forty-two (in 2d par.) for forty-seven.
On page 267, read owe (in last line) for owes.
On page 287, read superstitions for superstitutions.
On page 288, third sentence should begin. "As to whether."
On page 296, the word "as" should be just before "the black cargo."
On page 298, read confidants for confidant.
On page 304, read quiet for quite.
On page 308, tenth line from bottom, omit the word "and."
On page 321, after "Brutus" should be a comma instead of "!"
On page 327, read Khan for Kahn.